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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

GEORGE P. UMBERGER, II, et al.

Plaintiffs,

v.

COUNTY OF FOLSOM, et al.,

Defendants.

Case No. 2:24-cv-1169-KJM-JOP(PS)

**FIRST AMENDED COMPLAINT FOR  
VIOLATION OF CIVIL RIGHTS (42  
USC Section 1983)**

Department:  
Judge:

Hon. Kimberly J. Mueller

**INTRODUCTION**

1. George P. Umberger II, Lisabeth A. King, and Savannah R. Bailey, bring this action for the violation of their Fourth Amendment rights under the United States Constitution, against the city of Folsom and the defendant law enforcement officers of the Folsom Police Department.

2. On July 13, 2023, at 7:00 a.m. while the Plaintiffs were still asleep, the Folsom Police Department's Special Weapons and Tactical ("SWAT") team, forcibly entered their residence, rounded up and detained Plaintiffs by pointing multiple automatic assault rifles at them, forced them to the community parking lot, while in their undergarments, battered Plaintiff Umberger, and kept him in handcuffs for an unreasonable length of time, to execute a search warrant for an investigation of a non-violent offence. Defendants caused



1 Plaintiffs to suffer pain, emotional trauma, economic harm, loss of income, and loss of use  
2 and enjoyment of real property.

3 3. Subsequent to the initial filing of the Complaint in this matter, on November  
4 8, 2024, Plaintiffs received Folsom Police Department body camera videos from the District  
5 Attorney's Office. This evidence disclosed information previously unknown to the Plaintiffs  
6 at the time of filing the initial complaint, and these details are set forth in the subsequent  
7 paragraphs.

### 8 **JURISDICTION**

9 4. This action includes claims under 42 U.S.C. § 1983, and the Fourth  
10 Amendment to the United States Constitution. This Court thus has subject matter jurisdiction  
11 pursuant to 28 U.S.C. §§1331 and 1343. This Court has jurisdiction over the claims for  
12 declaratory relief pursuant to 28 U.S.C. §§2201-2202. The claims alleged herein occurred in  
13 the City of Folsom, County of Sacramento, California. Therefore, venue in the Eastern  
14 District of California is proper pursuant to 28 U.S.C. § 1391(b)(2); E.D. Local Rule 120(d).

### 15 **PRE-LAWSUIT PROCEDURES**

16 5. Plaintiffs filed a timely administrative claim with the City of Folsom, pursuant  
17 to Cal. Gov't Code § 910, on December 19, 2023. The City of Folsom rejected the claim "by  
18 operation of law" and provided notice of that rejection in a letter dated January 18, 2024. See  
19 **Exhibit 5.**

### 20 **PARTIES**

21 6. Plaintiff George P. Umberger II ("Plaintiff Umberger") was, at all times  
22 relevant to this complaint, a resident of the City of Folsom, and Sacramento County,  
23 California.

24 7. Plaintiff Lisabeth A. King ("Plaintiff King") was, at all times relevant to this  
25 complaint, a resident of the City of Folsom, and Sacramento County, California.

26 8. Plaintiff Savannah R. Bailey ("Plaintiff Bailey") was, at all times relevant to  
27 this complaint, a resident of the City of Folsom, and Sacramento County, California.  
28



1           9.       The City of Folsom (“Defendant City”) is a duly organized local public entity  
2 within the meaning of California Government Code § 940.4, existing under the laws of the  
3 State of California and manages and operates the Folsom Police Department (“Folsom PD”).  
4 Defendant City was at all times relevant to this complaint, responsible for the policies,  
5 practices, and customs of Folsom PD and its employees.

6           10.      Detective Joseph Howard (“Defendant Howard”) was, at all times relevant to  
7 this complaint, a law enforcement officer with the Folsom PD. Defendant Howard was the  
8 detective in charge at the scene and the affiant for the search warrant affidavits relevant to  
9 this claim. He is sued in his individual capacity.

10          11.      Commander Brian Lockhart (“Defendant Lockhart”) was, at all times relevant  
11 to this complaint, the Administrative Bureau Commander for Folsom PD, as well as the  
12 Tactical Commander for the Folsom PD’s SWAT team. Defendant Lockhart is responsible  
13 for the retention, screening, supervision, training, instruction, promoting, disciplining, and  
14 terminating of the Folsom PD’s SWAT team. He is sued in his official and individual  
15 capacity.

16          12.      Sergeant Roman Kehm (“Defendant Kehm”) was, at all times relevant to this  
17 complaint, a law enforcement officer with the Folsom PD. On information and belief,  
18 Defendant Kehm is in a leadership role within the SWAT team, with the authority and duty  
19 to supervise, assign, train, investigate, and discipline officers for the Folsom PD. He is sued  
20 in his official and individual capacity.

21          13.      Sergeant Zachary Wells (“Defendant Wells”) was, at all times relevant to this  
22 complaint, a law enforcement officer with the Folsom PD. Defendant Wells is the Operations  
23 Bureau Team 5 supervisor with the authority and duty to supervise, assign, train, investigate,  
24 and discipline officers for the Folsom PD. He is sued in his official and individual capacity.

25          14.      Sergeant John Wagner (“Defendant Wagner”) was, at all times relevant to this  
26 complaint, a law enforcement officer with the Folsom PD. On information and belief,  
27 Defendant Wagner is an official in a leadership role with the authority and duty to supervise,  
28



1 assign, train, investigate, and discipline officers for the Folsom PD. He is sued in his official  
2 and individual capacity.

3 15. Sergeant Brandon Monsoor (“Defendant Monsoor”) was, at all times relevant  
4 to this complaint, a law enforcement officer with the Folsom PD. On information and belief,  
5 Defendant Monsoor is in a leadership role with the authority and duty to supervise, assign,  
6 train, investigate, and discipline officers for the Folsom PD. He is sued in his official and  
7 individual capacity.

8 16. Sergeant Paul Rice (“Defendant Rice”) was, at all times relevant to this  
9 complaint, a law enforcement officer with the Folsom PD. Defendant Rice is the Operations  
10 Bureau Team 4 supervisor with the authority and duty to train, assign, investigate, and  
11 discipline officers for the Folsom PD. He is sued in his individual capacity.

12 17. Corporal Derek Koupal (“Defendant Koupal”) was, at all times relevant to this  
13 complaint, a law enforcement officer with the Folsom PD. Defendant Koupal is sued in his  
14 individual capacity.

15 18. Officer Michael Austin (“Defendant Austin”) was, at all times relevant to this  
16 complaint, a law enforcement officer with the Folsom PD. Defendant Austin is sued in his  
17 individual capacity.

18 19. Officer Joshua Sena (“Defendant Sena”) was, at all times relevant to this  
19 complaint, a law enforcement officer with the Folsom PD. Officer Sena is sued in his  
20 individual capacity.

21 20. Officer Eathan Vavack (“Defendant Vavack”) was, at all times relevant to this  
22 complaint, a law enforcement officer with the Folsom PD. Defendant Vavack is sued in his  
23 individual capacity.

24 21. Officer John Moniz (“Defendant Moniz”) was, at all times relevant to this  
25 complaint, a law enforcement officer with the Folsom PD. Defendant Moniz is sued in his  
26 individual capacity.

27 22. Detective Patrick Thibeault (“Defendant Thibeault”) was, at all times relevant  
28 to this complaint, a law enforcement officer with the Folsom PD. Defendant is sued in his



1 individual capacity. At the time that Plaintiffs filed their initial complaint, they mistakenly  
2 believed that Defendant Thibeault's name was "Schmidt." On November 8, 2024, Plaintiffs  
3 received body cam footage from the District Attorney's office, and learned that officer  
4 Schmidt's name was actually Patrick Thibeault. Plaintiffs hereby correct this misnomer.

5 23. All the individually named defendants (collectively hereinafter "Defendant  
6 Officers"), were acting within the course and scope of their employment with the Folsom PD  
7 and Defendant City.

8 24. The identity of the Defendant Officers were obtained in the Folsom PD's  
9 response to the Plaintiffs public records request for the names of the law enforcement officers  
10 who participated in the search warrant execution at the residence on July 13, 2023.

11 25. All Defendant Officers acted under the color of California state law.

12 26. Defendant City and Defendant Officers (collectively hereinafter  
13 "Defendants") acted in concert with, and as an agent and/or employee of, each other when  
14 directly and proximately causing harm to the Plaintiffs.

15 **FACTUAL ALLEGATIONS**

16 27. On July 13, 2023, at 7:00 a.m., Plaintiff Umberger, Plaintiff King, and her  
17 daughter Plaintiff Bailey, (collectively herein as "Plaintiffs"), were asleep in the residence at  
18 1780 Creekside Drive, Apartment 1125 in Folsom, California, ("residence") a multi-unit  
19 apartment complex where many families reside.

20 28. The Folsom PD's Special Weapons and Tactics ("SWAT") team, at the  
21 request of Defendant Howard, arrived at the residence in their military-grade Armored  
22 Personnel Carrier, to execute a search warrant for Plaintiff Umberger. The alleged crime for  
23 which the search warrant was granted was Cal. Pen. Code § 632, eavesdropping, a non-  
24 violent wobbler offense.

25 29. All of the acts, by the Defendant Officers, alleged in this complaint that  
26 occurred at the residence are verifiable with digital videos from the Kasa Smart Doorbell  
27 installed at the residence.

28



1           30. Plaintiff King was woken by the Folsom PD's SWAT team pounding on her  
2 door. She yelled out to the officers that she was getting dressed. She dressed as quickly as  
3 she could and made her way to the door.

4           31. When she was just a couple of inches from the door, a battering ram was  
5 thrown into it with such force that the door crashed open and stuck her body with such force  
6 that it caused her to lose her footing.

7           32. The knock and announce occurred less than one minute prior. Given the early  
8 morning hour on a weekend, no reasonable officers in the defendants' position could possibly  
9 assume that King's statement that she was getting dressed was a refusal to open the door.  
10 Nor, did any exigent circumstances support the breaking down of the door within the few  
11 seconds it would have taken for the door to be opened. As discussed in greater detail below,  
12 City of Folsom police officers did not even expect to find any evidence at the residence.

13           33. There were eight SWAT officers at her door, Defendants Kehm, Wells, Rice,  
14 Koupal, Monsoor, Austin, Sena, And Moniz, armed with loaded automatic M4 carbine  
15 assault rifles.

16           34. Three SWAT officers, Defendants Kehm, Wells, and Austin had their loaded  
17 automatic M4 carbine assault rifles pointed directly at her.

18           35. Furthermore, it is clearly seen on Kasa Smart Doorbell video #S-05, that  
19 Defendant Wells had his finger resting on the trigger, not outside of the trigger guard.

20           36. Plaintiff King, being a veteran combat medic with the U.S. Army, is very  
21 familiar with the unintentional discharge statistics of the automatic M4 carbine assault rifles  
22 pointed at her. She informed the Defendant Officers that her daughter was inside, hoping  
23 they would not point their loaded automatic M4 carbine assault rifles at her daughter as well.

24           37. Plaintiff King was told to show her hands and she was brought to the  
25 community parking lot.

26           38. Plaintiff King was shocked to see over a dozen officers, a military-grade  
27 armored personnel vehicle, drones, riot shields and a K-9 unit.  
28



1           39. Plaintiff Umberger was directly behind her and was met with the same three  
2 loaded automatic M4 carbine assault rifles pointed at him.

3           40. With his hands above his head, and walking backwards as commanded to do,  
4 Defendant Austin aggressively grabbed him by his wrists, pulled him down the breezeway  
5 where Defendant Austin then slammed his face against the wall, rammed his shoulder into  
6 his back, and his knee into his thigh, then utilizing a type of rear twist-lock control hold, he  
7 twisted his left arm outside the normal range of motion to put the handcuff on, and did the  
8 same with his right arm, then yanked on the handcuffs.

9           41. Defendant Wells asked Plaintiff Umberger who was left inside, and he stated,  
10 “Savannah, Lisa’s daughter.”

11           42. Plaintiff Umberger was then pushed forward and pulled backward by the  
12 handcuffs, while being escorted to the parking lot in front of his neighbors, wearing only  
13 underwear and a t-shirt.

14           43. Plaintiff Bailey woke up to Defendant Wells yelling her name. Defendant  
15 Wells was informed that Plaintiff Bailey was the only person left inside, yet, she was not  
16 spared the potentially fatal practice, by Defendant Wells, of pointing a loaded automatic  
17 assault rifle at an innocent civilian.

18           44. Plaintiff Bailey was then brought to the community parking lot, while she was  
19 wearing only a t-shirt and underwear.

20           45. After the SWAT team cleared the residence, Defendant Howard and his team  
21 searched the electronic devices for evidence of eavesdropping.

22           46. When Defendant Officers could not find any evidence to seize from the  
23 residence, they took Plaintiff Umberger to his place of business, Orangevale Jewelry and  
24 Loan, (“shop”) located in a strip mall in Orangevale, CA, while remaining handcuffed.

25           47. Meanwhile at the residence, Plaintiff King and Plaintiff Bailey were  
26 overwhelmed as they looked around their home at the broke in door, ruined carpets,  
27 rearranged furniture and belongings scattered. Within minutes, Plaintiff King was consoling  
28



1 her traumatized daughter when she started trembling and had her first of many panic attacks  
2 to come.

3 48. Plaintiff Umberger has been the owner and operator of his shop for 24 years.  
4 The Defendant Officers forced him to sit on the ground, while remaining handcuffed, in front  
5 of his store with two armed officers standing over him, as ordered by Defendant Howard.

6 49. Plaintiff Umberger was humiliated when two of his business associates from  
7 the neighboring store within the same strip mall witnessed this.

8 50. To minimize damage to his shop's reputation, Plaintiff Umberger repeatedly  
9 requested to be brought away from the view of the public, but his requests were either denied  
10 or ignored.

11 51. Defendant Howard finally allowed Plaintiff Umberger to go inside the shop  
12 when he needed the code to shut off the alarm on the security system.

13 52. None of the officers were ever in fear for their health or their safety around  
14 Plaintiff Umberger.

15 ***Custom and practice of unnecessary SWAT deployment***

16 53. At the time of the SWAT raid, Defendant Officers, and each of them, were  
17 aware that the residence was leased to Plaintiff King and her daughter, that no arrest warrant  
18 was issued, that the crime being investigated was a non-violent wobbler offence, that none of  
19 the Plaintiffs had prior felony convictions, and that no registered firearms were associated  
20 with any of the Plaintiffs or the residence. Under this set of circumstances, it was manifestly  
21 unreasonable to use deadly force, or any substantial force, in executing the search warrant.

22 54. When the officers were leaving the residence, Defendant Wagner is heard, on  
23 Kasa Smart Doorbell video #S-36, saying to Officer Davis, "*We figured we just got these new*  
24 *drones, so let's start getting them indoctrinated*" and "*this search warrant is more about*  
25 *learning to move people around, we knew there wasn't going to be a lot of evidence, if any at*  
26 *all, to be collected here, these restraining orders are to start getting you warmed up.*" These  
27 statements suggest that the search warrant was used as an opportunity for SWAT officers to  
28 familiarize themselves with new military equipment on a low risk search warrant.



1           55. Defendant Officers exaggerating crimes and labeling suspects as high risk to  
2 justify deploying their militarized SWAT team, while risking the lives, not only of the  
3 Plaintiffs, but of every family in the connecting apartments, to “indoctrinate” their new  
4 military equipment is an appalling practice of the Folsom PD.

5           56. Prior to the enactment of Assembly Bill 481, the Folsom PD possessed  
6 unrestricted authority to acquire military equipment, irrespective of necessity. Since the Bill  
7 took effect on January 1, 2022, the Folsom PD has had to demonstrate publicly in front of the  
8 Folsom City Council both the funding and operational necessity of its SWAT team and their  
9 military equipment.

10           57. On information and belief, Plaintiffs allege that official policymakers of the  
11 City of Folsom understood that to acquire new or additional military equipment, the use of  
12 SWAT teams needed to increase so that sufficient data could be gathered to justify additional  
13 procurement, to wit:

14           58. In December 2023, the Folsom PD submitted a grant application to the  
15 Department of Homeland Security seeking funding for the acquisition of an ICOR Mini  
16 Caliber Robot. Folsom PD had to meet the mandated rigorous requirements including a  
17 history of tactical operations where the robot could have enhanced safety and required  
18 compliance with the data sharing requirements prior to submitting the application. Their  
19 efforts were successful, in September 2024, the Folsom PD received their grant for \$75,000  
20 for the ICOR Mini Caliber Robot.

21           59. Plaintiffs are informed and believe and thereon allege that Folsom PD,  
22 through the direct ratification of policymakers having final authority and/or through an  
23 established custom or practice, stepped up the use of SWAT in minor non-violent offenses  
24 for the purpose of field testing equipment, such as the Loki drone used in the execution of the  
25 search warrant in this case, and to develop the data needed to justify the procurement of  
26 additional military equipment.

27           60. Folsom PD and its policymakers established or condoned a widespread  
28 practice of broadly using SWAT to the execute warrants of any kind, including in low level



1 non-violent offenses as a means to justify the procurement of additional military equipment.  
2 This practice was necessary because, as touted on the city's official website, Folsom is  
3 renowned for its low crime rate.

4 61. The use of SWAT under the circumstances alleged herein, was ratified by a  
5 final policymaker for the City of Folsom PD. It states in the Folsom PD Policy Manual under  
6 Policy 404.1.6 – ACTIVATION AND DEPLOYMENT:

7 Requests for service will be reviewed and approved by the  
8 Division Commander or SWAT Tactical Commander based upon  
9 a high-risk operations threat assessment. Situations which  
10 warrant the use of a tactical team may include: (a) Suspect(s)  
11 believed to possess a firearm, assault weapon, automatic  
12 weapons, body armor or explosives. (b) Target location is  
13 fortified, has surveillance devices or is protected by guard dogs.  
14 (c) Suspect(s) have violent criminal history, are wanted for armed  
15 assault on a peace officer, or have made specific threats against  
16 officers. (d) A violent confrontation is likely or imminent.

17 62. Each of the defendants, including the Division Commander or SWAT Tactical  
18 Commander, knew that Plaintiffs did not meet any of the above criteria. Yet, together they  
19 made the decision to deploy SWAT nonetheless. This decision came about as a result of the  
20 City's deliberate failure to provide any training on the above Policy or widespread and  
21 entrenched practice of disregarding the same. Additionally, Folsom PD was notified and fully  
22 aware at all relevant times that Plaintiff Umberger did not possess any firearms before and/or  
23 during the execution of the search warrant, i.e., when Defendant Vavack and Officer Vo  
24 earlier served him with the DVRO, as documented in body camera footage. Plaintiff  
25 Umberger also submitted a sworn affidavit in response to the restraining order stating he did  
26 not possess any firearms, and the family court Judge found Plaintiff Umberger to be  
27 compliant, a fact that was known or should have been known to Defendants. See **Exhibit 2.**

28 ***Defendant Howard's Misleading Statements and Omissions***

63. For Defendant Howard's request for the use of remote operated  
reconnaissance technology to be granted, the search warrant affidavit needed to show that  
Plaintiff Umberger was a high risk to officer safety. Defendant Howard made the following  
false statements to deceive the magistrate and get the order granted:



1 “Due to the increased threat of violence involving firearms and  
2 other deadly weapons whenever officers enter a structure for the  
3 purpose of executing a search warrant to search for firearms,  
4 controlled substances, weapons, the fruits and instrumentalities  
5 of a violent crime, or to execute an arrest warrant on an individual  
6 wanted for a violent crime.” See **Exhibit 8**.

7 64. The concern set out in this statement was not applicable to this case and was  
8 inserted into the warrant application merely to color the gravity of the situation and paint  
9 Plaintiff in a false light. The search warrant was for computers and electronic storage devices  
10 that could possibly reveal a non-violent eavesdropping violation, and the officers knew that  
11 there was little or no risk of firearms on the premises.

12 65. By inserting the above language into his affidavit, Defendant Howard  
13 knowingly implied that the search could produce firearms, controlled substances, or evidence  
14 of a violent crime committed by Plaintiff Umberger and is thereby grossly misleading.

15 66. Defendant Howard and his supervisor, Defendant Wagner, included the  
16 aforementioned language in the search warrant with the fraudulent intention of misleading  
17 the judicial officer into authorizing the use of SWAT team drone equipment, and by  
18 extension, the deployment of SWAT officers who have the certifications to operate the  
19 military equipment.

20 67. But for the knowing suppression of the above material information, the  
21 warrant permitting the use of drone technology would not have issued.

22 68. Not only was there no mention of Plaintiff Umberger actually possessing  
23 firearms or controlled substances in either affidavit, but Folsom PD had been informed  
24 Plaintiff Umberger did *not* possess firearms prior to the execution of the search warrant.

25 69. In crafting the warrant affidavit Defendant Howard intentionally and  
26 knowingly omitted the fact that Umberger did not possess any firearms, or any other  
27 inherently dangerous weapons or implements. Defendant Howard knew at the time he drafted  
28 his supporting affidavit that this information was material in that it would have had a direct  
impact on the court’s decision whether or not to issue the warrant in such a manner as to  
allow for the deployment of drones and other military and/or paramilitary equipment and/or  
tactics in that in the absence of firearms or other dangerous weapons, there would be no need



1 to deploy SWAT or any other militarized unit. The suppressed information described above  
2 was material to the issuance of the warrant in that without knowing the *whole* truth, the court  
3 was mislead into believing that Plaintiff posed a “high risk to officer safety.” Which was  
4 utterly false and Howard knew it.

5 70. Defendant Vavack and Officer Vo entered Plaintiff Umberger’s shop to serve  
6 him with a restraining order related to the same allegations, and they asked Plaintiff  
7 Umberger if he owned or possessed any firearms, specifically they asked about a firearm he  
8 gave to his father 15 years prior. He informed the officers that he did not own or possess any  
9 firearms. In addition, the family court judge for the restraining order found Plaintiff  
10 Umberger to be compliant with the prohibition of firearms pursuant to California Senate Bill  
11 320. All of this information was known to Defendants Howard and Wagner at the time  
12 Howard drafted the sworn affidavit supporting the warrant, yet all of this information was  
13 intentionally omitted and suppressed from the court in Howard’s supporting affidavit.

14 71. The device search warrant dated 07/18/2023, Defendant Howard’s  
15 justification for violating Plaintiff Umberger’s privacy, i.e., by claiming he needed unlimited  
16 access to all the data on the devices, without any limiting language, was to establish  
17 ownership of the voice recorder.

18 72. However, ownership had been established five days prior on 07/13/2023 when  
19 Plaintiff King informed Defendant Howard that she was the owner of the recording device,  
20 and that she had let Plaintiff Umberger use it when his GoPro was not working. The  
21 substance of this conversation can be confirmed with Kasa Smart Doorbell video S-33.  
22 Plaintiff King also informed Defendant Howard that she had texts showing Plaintiff  
23 Umberger had consent from his ex-wife to record their interaction. See **Exhibit 4**. All of this  
24 information was known to Defendant Howard at the time he drafted the sworn affidavit  
25 supporting his warrant. Nonetheless, all of this information was intentionally omitted and  
26 suppressed from the supporting affidavit and thereby from the court.

27 73. On information and belief, prior to crafting, signing, and filing his warrant  
28 application including his fraudulent supporting affidavit, Defendant Howard consulted with



1 Defendant Wagner about the above information and details. After having been fully apprised  
2 of all relevant facts, including but not limited to the existence of the above described  
3 suppressed information, Defendant Wagner approved of Defendant Howard's plan to file his  
4 incomplete, false, and misleading affidavit and, in fact, directed him to do so.

5 ***Excessive force-pointing firearms and trigger discipline***

6 74. Kasa Smart Doorbell video #S-05, clearly shows Defendant Wells resting his  
7 finger on the trigger of the automatic M4 carbine rifle while pointing it at the Plaintiffs. See  
8 **Exhibit 3**. Nobody is immune to involuntary contractions, as they are physiological  
9 responses, such as the startle response. The majority of fatal unintentional discharge  
10 incidences are due to the startle response.

11 75. California Department of Justice, and Commission on Peace Officer Standards  
12 and Training has fundamental rules of firearm safety. Rule two states, 'a firearm should only  
13 be pointed at a target if the officer is willing and prepared to shoot.' Rule three states,  
14 'always keep your fingers off the trigger until ready to fire the firearm. The officer's finger  
15 should rest on the outside of the trigger guard or along the frame of the firearm until ready to  
16 fire.'

17 ***Excessive Force - Handcuffs***

18 76. Plaintiff Umberger was not under arrest, yet he was violently handcuffed by  
19 Defendant Austin and detained for over two hours while officers rummaged through his  
20 home and business. Defendant Officers, DOES 1 – 10, and each of them refused and  
21 refrained from removing the handcuffs for Plaintiff Umberger to allow him to put clothing on  
22 or when he needed to use the restroom. There was no justification for the prolonged detention  
23 in handcuffs as Umberger was unarmed, cooperating and complying with officers' directions  
24 completely, posed no danger to himself or others, and importantly posed no danger to officer  
25 safety whatsoever.

26 77. Additionally, Defendant Wagner stated that "everyone was cooperative,"  
27 when he was standing outside of the residence after the search warrant was executed at the  
28 residence, as heard on the Kasa Smart Doorbell video #S-36. See **Exhibit 1**.



1           78.     At that point, with everyone cooperating, it was patently unreasonable to keep  
2 Plaintiff Umberger in handcuffs for another hour, which is exactly what happened.

3           79.     Plaintiff Umberger was handcuffed both at his residence and at his pawn shop.  
4 Defendants Wagner, Thibeault, and DOES 1—10, were on scene at both locations and  
5 collaborated in the excessive handcuffing or did not intercede, despite seeing Umberger  
6 handcuffed for an extensive period of time.

7           80.     It was only when Defendant Howard left the scene that an officer removed the  
8 handcuffs and offered Plaintiff Umberger a ride home..

9           81.     When Officer Thibeault heard him calling for a ride on Officer Davis's cell  
10 phone, he also offered Umberger a ride home.

11           82.     The only reasonable explanation to keep Plaintiff Umberger in handcuffs for  
12 such an unreasonable extended period of time would be out of fear for the safety of the  
13 officers, however two of the officers were willing to drive him 20 minutes back to his  
14 residence after the handcuffs had been removed. Plaintiff is informed and believes that  
15 Defendants Austin, Thibeault, Wagner, and the other officers handcuffed Plaintiff for over  
16 two hours in order to punish, humiliate, and inflict emotional and physical distress to  
17 Umberger.

18           83.     Plaintiff Umberger does not have a history of violence, nor does he have prior  
19 felonies. There was no lawful or legitimate basis to keep him in handcuffs for any period of  
20 time at all, much less the two or more hours that day.

21 ***Folsom PD's History and Pattern of Police Misconduct and Lack of Discipline and***  
22 ***Training***

23           84.     The indifference the leadership of the Folsom PD has toward the citizens of  
24 Folsom is made apparent when they hire officers with a history of police misconduct, such as  
25 Owen Anstess. Commander Andrew Bates acknowledged publicly that Folsom PD was  
26 aware their new officer had sustained allegations of police misconduct for unreasonable  
27 search and seizure and excessive force but hired him anyway.



1 [https://ca.sports.yahoo.com/news/sacramento-police-department-finds-former-](https://ca.sports.yahoo.com/news/sacramento-police-department-finds-former-120000294.html)  
2 [120000294.html](https://ca.sports.yahoo.com/news/sacramento-police-department-finds-former-120000294.html).

3 85. Furthermore, Folsom PD retains officers with a history of using deadly force  
4 such as Defendant Wagner. As well as retaining officers with a history of using excessive  
5 force such as Defendants Austin and Rice.

6 86. The Folsom PD has a long history of abusing their power, including but not  
7 limited to, police misconduct, excessive force, deadly force, perjury, and reckless driving.  
8 The victims of these officers did not take solace in knowing their suffering prevented the  
9 future suffering of others because none of the officers were disciplined for their actions. See,  
10 *Suit v. City of Folsom*, CIV. NO. 2:16-00807 WBS AC (E.D. Cal. Nov. 14, 2016), and *Yao v.*  
11 *City of Folsom*, No. 2:16-cv-02609-MCE-AC (E.D. Cal. Apr. 18, 2017).

12 87. The Plaintiffs filed a complaint with Folsom PD on December 19, 2023, with  
13 the same events that form this complaint. The response dated January 23, 2023, signed by  
14 Defendant Kehm, stated all allegations were investigated and determined to be unfounded.  
15 Folsom PD assigning officers to investigate complaints, who directly participated in the  
16 incident that forms the complaint, is an ineffective and corrupt practice. See **Exhibit 7**.

17 ***Unreasonable Search and seizure – Excessive Force***

18 88. It states in the Folsom PD policy manual, in §321.2 that members will conduct  
19 searches in strict observance of the constitutional rights of persons being searched, and with  
20 dignity and courtesy. There was no dignity or courtesy extended to the Plaintiffs as they were  
21 forced to leave their home at gun point, to be displayed in a community parking lot, in their  
22 under garments.

23 89. All the while, Defendant Koupal was nonchalantly singing a song outside the  
24 residence, moments after traumatizing the Plaintiffs, as seen and heard on Kasa Smart  
25 Doorbell video S-11.

26 90. Moreover, the fact that all of the individuals named as Defendants in this case  
27 either directly participated in the above alleged excessive force events, or otherwise failed to  
28



1 intervene and/or intercede is evincive of the fact that the aforementioned conduct comports  
2 with the regularly established customs and practices of the police department.

3  
4 **INJURY**

5 91. Plaintiff Bailey suffers from a corticosteroid resistant form of systemic  
6 eczema that has only been manageable with an immunosuppressive biological medication  
7 (Dupixent) that she injects twice a month since 2017. She was among the first few children to  
8 be approved for the experimental biological injection at that time. One day after she had a  
9 SWAT team at the front door of her home, she woke up with a stress induced systemic  
10 inflammation, while on the biological, resulting in her being in severe pain seeking medical  
11 attention, she then had to endure a very uncomfortable week of steroids, despite the fact of it  
12 being contraindicated while on the biological.

13 92. Plaintiff Bailey had been making progress with her psychologist to overcome  
14 depression, until her symptoms resurfaced from the trauma experienced the morning the  
15 Folsom Police Department made her home feel unsafe. She has now been diagnosed with  
16 PTSD and has started having panic attacks. She has been stuck in a major depressive episode,  
17 without significant moments of remission. She had to drop her classes at American River  
18 College to focus on her mental health. Plaintiff Bailey now has a fear of law enforcement.  
19 This is very unsettling to Plaintiff King as she fears if her daughter is ever in a dangerous  
20 situation, she will not call for help.

21 93. The stress that the Defendants have caused Plaintiff King has her in constant  
22 fear, and doesn't allow anybody to know where she lives. Plaintiff King has been on  
23 disability since 2014 for major depressive disorder and sees a new therapist directly due to  
24 the events that form this complaint, that has diagnosed her with PTSD. Her failure to create a  
25 safe home for her already suffering daughter has caused her depression to become severe,  
26 and her new symptoms from PTSD has her suffering with anxiety, emotional distress, and  
27 fear.



1           94.     On July 15, 2023, two days after the SWAT team traumatized Plaintiff King,  
2 her property manager informed her that they were not renewing her lease. This forced the  
3 Plaintiffs to take on the unexpected and costly expense of moving.

4           95.     Plaintiff King asked Defendant Howard if Folsom PD was going to pay for  
5 the damage that they caused to the door and the carpets. Defendant Howard stated that  
6 Defendant City would take care of it. When Plaintiff King received a bill for the damage to  
7 the residence for \$3,119.02, she filed a claim with the Folsom City Clerk's office, which was  
8 denied.

9           96.     The Folsom PD seized all the computers at Plaintiff Umberger's shop,  
10 resulting in him losing approximately three months of income. This has put him, and his  
11 shop, in extreme financial distress, as his shop was just starting to recover from the pandemic  
12 closures. He emailed and called Defendant Howard several times to remind him that he could  
13 not open for business until the computers were returned, yet he would not return the  
14 computers for over two months. The CAD report states that no evidence of a crime was  
15 found within any of Plaintiff Umberger's devices.

16           97.     This also forced Plaintiff Umberger to purchase a new laptop to prepare his  
17 family court case and other daily tasks. The seized computers and their backup drives were  
18 not replaceable, as they contained the software and information required to process loans,  
19 sales and monitor inventory.

20           98.     As a direct result of the event in this complaint, Plaintiff Umberger has  
21 suffered, and continues to suffer from serious emotional distress, pain, trauma, worry,  
22 anxiety, humiliation, and embarrassment, as well as having difficulties concentrating and  
23 sleeping. Plaintiff Umberger has become hyper vigilant, every time he sees a police officer,  
24 he is overcome with fear and the physical unease that accompanies anxiety. This anxiety and  
25 pain has prevented Plaintiff Umberger from opening his shop on several occasions. Shortly  
26 after the Defendants violated his constitutional rights, he moved out of Folsom, where he has  
27 lived his entire life. He has started seeing a professional to help him cope with this.

28



99. Worse yet, as a direct result of Defendant Howard unnecessarily involving Plaintiff Umberger's minor son in the investigation, Plaintiff Umberger and his minor son have suffered a complete loss of their parent-child relationship. Plaintiff Umberger has not heard anything from his son since 06/03/2023. Their relationship was already strained due to Plaintiff Umberger's ex-wife suffering with symptoms of an adjustment disorder. Plaintiff Umberger was treading carefully to minimize the documented long-term effects of her abuse, following the recommendations of U.S. Senate bill 78 (Kaden's Law). In the CAD report Detective Howard stated that he listened to the audio recordings of Plaintiff Umberger's ex-wife, had he the knowledge or training, he would have been able to recognize that his sons are suffering severe emotional and psychological abuse, which is complex and fragile. Involving Plaintiff Umberger's minor son in his misinformed investigation has caused the loss of a familial relationship for Plaintiff Umberger. This loss has Plaintiff Umberger grieving and suffering with the inability to find any enjoyment for life.

### **CLAIMS FOR RELIEF**

#### **FIRST CLAIM**

##### **Violation of the Fourth Amendment**

**(42 U.S.C. § 1983)**

##### **Unreasonable Search and Seizure**

**(All Plaintiffs Against Defendant City and Defendants Howard and Wagner, and**

**DOES 1--10, and each of them)**

100. Plaintiffs' First Claim for Relief is dismissed pursuant to the Court's Order, filed November 13, 2025 (Document 28).

#### **SECOND CLAIM**

##### **Violation of the Fourth Amendment of the U. S. Constitution**

**(42 U.S.C. § 1983)**

##### **Unreasonable Search and Seizure – Excessive force**



**(All Plaintiffs against Defendant City and Defendants Lockhart, Howard, and Koupal, and DOES 1-10, and each of them)**

101. Plaintiffs re-allege and incorporate by reference all the preceding paragraphs as though fully set forth in this claim.

102. Defendants violated the rights of the Plaintiffs to be free from unreasonable search and seizure secured to them by the Fourth Amendment to the United States Constitution.

103. Defendant Koupal, and DOES 1—10, and each of them, were acting under the color of law when he unnecessarily used a battering ram to break in the door of the residence.

104. Defendant Koupal, and DOES 1—10, and each of them, were obeying a direct order from his trainer and supervisor, Defendant Lockhart, and DOES 1—10, and each of them, and in accordance with Folsom PD training, policies, practices, and customs when carrying out these acts.

105. Defendants' actions are a direct and proximate result of Defendant Howards misleading search warrant affidavit.

106. Defendants, and each of them, acted with complete indifference to the physical harm that their actions could have caused the Plaintiffs.

107. Defendants, and each of them, caused damage to the residence, and caused the Plaintiffs to suffer anxiety, trauma, emotional distress, humiliation, and economic harm.

108. Defendants are not entitled to qualified immunity for their conduct, because their use of force against the Plaintiffs violated their clearly established constitutional rights and was objectively unreasonable.

109. Plaintiffs are entitled to compensatory, equitable, and/or exemplary damages against Defendants under 42 U.S.C. § 1983 because Defendants' actions were malicious, willful, or with reckless disregard of the Plaintiffs' constitutional rights.

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**THIRD CLAIM**

**Violation of the Fourth Amendment**

**(42 U.S.C. § 1983)**

**Unreasonable Seizure of Persons – Excessive Force and Detention**

**(All Plaintiffs Against Defendant City, and Defendants Lockhart, Kehm, Wells, Austin,  
and Howard, and DOES 1—10, and each of them)**

110. Plaintiffs re-allege and incorporate by reference all the preceding paragraphs as though fully set forth in this claim.

111. Plaintiffs were deprived of their right to be secure in their persons against unreasonable search and seizure guaranteed to them under the Fourth Amendment of the United States Constitution.

112. Defendants Kehm, Wells, and Austin, and DOES 1—10, and each of them, were acting under the color of law when they unreasonably used excessive force to detain the Plaintiffs at gun point.

113. Defendant Kehm, Wells, and Austin, and DOES 1—10, and each of them, knew or should have known, that pointing loaded automatic M4 carbine assault rifles at civilians is a potentially deadly practice.

114. The Tenth Circuit held in, *Holland v. Harrington*, 1:11-cv-00185-GBC (PC) (E.D. Cal. Aug. 22, 2011), that aiming a firearm directly at a person inescapably involves the immediate threat of deadly force.

115. Defendant Wells had his finger on the trigger of the loaded automatic M4 carbine assault rifle, that he pointed at each of the Plaintiffs, indicating that he was willing to use deadly force.



1           116. It reasonably appeared to the Plaintiffs that Defendants were about to commit  
2 homicide and that Plaintiffs were about to die.

3           117. The Fourth Amendment's reasonableness standard requires balancing the  
4 nature and quality of the intrusion on the individual's Fourth Amendment privacy interest,  
5 against the governmental interest. The factors to be considered, that are articulated in  
6 *Graham vs. Connor*, are: (1) the severity of the crime at issue, (2) whether the suspect posed  
7 an immediate threat to the safety of the officers or others, and (3) whether the suspect  
8 actively resisted arrest or attempted to escape.

9           118. To take into consideration the totality of the circumstances by weighing those  
10 factors in this case, (1) the severity of the crime is a non-violent wobbler offense, (2) the  
11 Plaintiffs were not armed, the only danger to others were the Defendants, (3) Plaintiffs did  
12 not resist or attempt to flee, they were completely compliant, and (4) Plaintiffs King and  
13 Bailey were innocent bystanders and residents of the home. It is reasonable to conclude the  
14 violation of the Plaintiffs constitutional rights were not justified.

15           119. The supervisors chosen by Defendant City, trained their SWAT team without  
16 different levels of risk for deployment. Being willing to use deadly force on Plaintiffs, even if  
17 Plaintiff Umberger was guilty of eavesdropping, cannot be justified. Furthermore, Plaintiff  
18 King, Plaintiff Bailey, and the families in the connecting apartments weren't even suspects,  
19 yet all of them were at a high risk of being a casualty

20           120. Defendant Kehm, Wells, and Austin, and DOES 1—10, and each of them,  
21 were obeying direct orders from their supervisor, Defendant Lockhart, and in accordance  
22 with Folsom PD training, policies, practices, and customs when carrying out these acts.

23           121. The potential death to the Plaintiffs was deemed reasonable or necessary, as a  
24 direct result of Defendant Howards misleading affidavit.

25           122. At no time prior to this act of violence did any of the Defendants speak to any  
26 of the Plaintiffs or otherwise inform them that they were prepared to use deadly force.

27           123. The Defendants did not provide the Plaintiffs with an opportunity to submit to  
28 a nonviolent detention.



124. Any reasonable person would be offended or harmed by the actions of the Defendants towards the Plaintiffs.

125. Defendants caused the Plaintiffs to suffer pain, anxiety, trauma, emotional distress, humiliation, and economic harm.

126. Defendants are not entitled to qualified immunity for their conduct, because their use of force against the Plaintiffs violated their clearly established constitutional rights and was objectively unreasonable.

127. Plaintiffs are entitled to compensatory, equitable, and/or exemplary damages against Defendants under 42 U.S.C. § 1983 because Defendants' actions were malicious, willful, or with reckless disregard of the Plaintiffs' constitutional rights.

## FOURTH CLAIM

### **Violation of the Fourth Amendment (42 U.S.C. § 1983)**

## Excessive Force Battery

**(Plaintiff Umberger Against Defendant City, and Defendants Thibeault, Austin, and Howard, and DOES 1—10, and each of them)**

128. Plaintiff Umberger re-alleges and incorporates by reference all the preceding paragraphs as though fully set forth in this claim.

129. Plaintiff Umberger was deprived of his right to be secure in his person against unreasonable search and seizure as guaranteed under the Fourth Amendment to the United States Constitution.

130. Defendant Austin's, and that of DOES 1—10, and each of them, use of excessive force was unreasonable as Plaintiff Umberger was being compliant.

131. Plaintiff Umberger was barefoot and in his underwear when Defendant Austin pulled Plaintiff Umberger down the breezeway, slammed his face against the wall, rammed his shoulder into his back, and violently handcuffed him.

132. Plaintiff Umberger was not under arrest, not trying to escape, nor was he verbally threatening, and he clearly was not armed.



133. Defendant Austin, and DOES 1—10, and each of them, violently touching Plaintiff Umberger is a direct and proximate result of Defendant Howard’s misleading affidavit.

134. Any reasonable person would have known that another reasonable person being grabbed, pushed, pulled, and slammed into a wall by Defendant Austin would be harmed or offended.

135. When Defendant Austin, and DOES 1—10, and each of them, battered Plaintiff Umberger, a middle-aged man, in such a degrading manner, without provocation, he was acting under color of law and within the customs and practices of the Folsom PD.

136. Defendants are not entitled to qualified immunity for their conduct, because their use of force against Plaintiff Umberger violated his clearly established constitutional rights and was objectively unreasonable.

137. Plaintiff Umberger has suffered pain, anxiety, trauma, humiliation, emotional distress, and economic harm as a direct result of Defendant Austin's actions.

138. Plaintiffs are entitled to compensatory, equitable, and/or exemplary damages against Defendants under 42 U.S.C. § 1983 because Defendants' actions were malicious, willful, or with reckless disregard of the Plaintiffs' constitutional rights.

## FIFTH CLAIM

## Violation of the Fourth Amendment (42 U.S.C. § 1983)

## Unreasonable Seizure of Person – Excessive Handcuffing

**(Plaintiff UMBERGER Against Defendant CITY, and Defendants THIBEAULT, AUSTIN, and  
HOWARD, and DOES 1—10, and each of them)**

139. Plaintiff Umberger re-alleges and incorporates by reference all the preceding paragraphs as though fully set forth in this claim.

140. Plaintiff Umberger was deprived of his right to be secure in his person against unreasonable seizure as guaranteed to him under the Fourth Amendment to the United States Constitution when he was detained in handcuffs for over two hours.



141. Defendants treated Plaintiff Umberger with complete indifference, they did not extend to him basic human decency or respect when they humiliated him in front of his neighbors and his business associates.

142. Defendants forced him to sit on the ground in front of the store that he has owned for 24 years, handcuffed with two armed officers standing over him.

143. Defendants knew, or should have known, that unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others.

144. Plaintiff Umberger was kept in handcuffs for two hours when he was being investigated for a non-violent offence, he was not under arrest, and he has no prior felonies. At no time did Plaintiff Umberger resist, make any threats, nor did he make any attempt to flee.

145. Plaintiff Umberger's deprivation of his right to be free from unreasonable seizure under the Fourth Amendment of the Constitution, was a direct and proximate result of Defendant Howards misleading search warrant affidavit.

146. Defendants caused the Plaintiffs to suffer economically by intentionally damaging his corporation's reputation. Plaintiff also suffered, and continues to suffer pain, anxiety, trauma, emotional distress, humiliation, and economic harm.

147. Plaintiffs are entitled to compensatory, equitable, and/or exemplary damages against Defendants under 42 U.S.C. § 1983 because Defendants' actions were malicious, willful, or with reckless disregard of the Plaintiffs' constitutional rights.

## SIXTH CLAIM

### **Violation of the Fourth Amendment (42 U.S.C. §1983)**

## Failure to Intervene

(Plaintiff Umberger against Defendants Monsoor, Vavack, Rice, Moniz, and DOES 1—  
10, and each of them)

148. Plaintiff Umberger re-alleges and incorporates by reference all the preceding paragraphs as though fully set forth in this claim.



149. Defendants, acting under color of state law, knew or should have known that they and others were violating Plaintiff Umberger's constitutional rights.

150. Defendants each had a reasonable opportunity to intervene and prevent these violations but, acting with deliberate indifference, declined to do so.

151. Defendants' failure to intervene violated Plaintiff UMBERGER's clearly established constitutional rights.

152. Through their failure to intervene, Defendants directly and proximately caused Plaintiff Umberger harm.

153. Defendants had a duty to intervene when Defendant Austin, and DOES 1—10, and each of them, were violating Plaintiff Umberger’s constitutional rights by subjecting him to unnecessary excessive force.

154. Defendants' conduct was motivated by evil motive or intent, involved reckless or callous indifference to Plaintiff Umberger's Fourth Amendment rights secured by the United States Constitution, or was wantonly or oppressively done.

155. As a direct and proximate result of the Defendants' actions, Plaintiff Umberger suffered pain, anxiety, trauma, humiliation, and emotional distress.

156. Plaintiff Umberger is entitled to compensatory, equitable, and/or exemplary damages against Defendants under 42 U.S.C. § 1983 because Defendants' actions were malicious, willful, or with reckless disregard of the Plaintiffs' constitutional rights.

## SEVENTH CLAIM

### **Violation of the Fourth Amendment (42 U.S.C. §1983)**

### **Failure To Supervise, Train, and/or Discipline - Municipal Liability – (*Monell*)**

**(All Plaintiffs against Defendant City)**

157. Plaintiffs re-allege and incorporate by reference all the preceding paragraphs as though fully set forth in this claim.

158. Defendant City violated the Plaintiffs' Constitutional rights secured to them under the Fourth Amendment by failing to supervise, train and/or discipline its officers.



1           159. It is an abuse of power for the supervisors, who prioritize the acquisition of  
 2 new military equipment, to train their new detectives to be dishonest on search warrant  
 3 affidavits, to “indoctrinate” their new drones. These exaggerations violated the Plaintiffs’  
 4 privacy and directly led to the Defendant Officers, DOES 1—10, and each of them, excessive  
 5 use of force, with complete indifference.

6           160. The Folsom City Council meeting held on 07/29/2024, in receipt of the annual  
 7 report for the use of certain ‘military’ type equipment by the Folsom PD, was to determine if  
 8 the Folsom PD had complied with the Standards of Approval set forth in Assembly Bill 481,  
 9 (Ordinance No. 1326). The Folsom PD acknowledged receiving one community complaint  
 10 [related to the use of drones and the display of SWAT Rifles during a search warrant, but  
 11 stated the complaint was investigated and determined to be “unfounded”]. See **Exhibit 6**.

12           161. Defendants were not disciplined, reprimanded, retrained, suspended, or  
 13 otherwise penalized following the service of the Complaint the Plaintiffs filed with the  
 14 Folsom PD. Defendant Kehm stated in the response, dated December 16, 2023, that all of the  
 15 allegations were investigated and were determined to be unfounded. Indeed, on information  
 16 and belief, the City refrained from even investigating the complaint.

17           162. The Folsom PD has a long history of retaining and promoting officers that  
 18 abuse their power, including but not limited to, police misconduct, excessive force, deadly  
 19 force, perjury, illegal search and seizure, and reckless driving as revealed in cases such as:

- 20           a. *People v. Kim*, No. 94F01848 (Cal. Super. Ct. Sacramento Cnty. Filed Mar. 4,  
 21 1994). Officer Perry Albers shot 19-year-old Ty Kim in the back, claiming he  
 22 was involved in a local Asian gang. Officer Perry Albers was then promoted to  
 23 Detective, and he retired as a Commander.
- 24           b. *Han v. City of Folsom*, 51 Fed. Appx. 923 (9<sup>th</sup> Cir. 2014), Officer Paul Barber  
 25 shot and killed 23-year-old Joseph Han, during a psychiatric well-check, he was  
 26 not disciplined and remained employed by the Folsom PD for another ten years  
 27 before voluntarily leaving.



- c. *Suit v. City of Folsom*, CIV. NO. 2:16-00807 WBS AC (E.D. Cal. Nov. 14, 2016), Officer Jon Kracher caused Heather Suit to become permanently disabled while driving recklessly, in pursuit of a man wanted for a misdemeanor, he retired that same year.
- d. *Yao v. City of Folsom*, No. 2:16-cv-02609-MCE-AC (E.D. Cal. Apr. 18, 2017), Defendant Rice used excessive force when he dragged Jing Jing Yao out of her car and pinned her to the ground when she questioned signing a fix it ticket, despite knowing English is her second language. Officer Rice was not disciplined and was promoted to sergeant.
- e. *O'Neel v. City of Folsom* No. 2:21-cv-02403-WBS-DB (E.D. Cal. 2021), Defendant Austin and Officer Melanie Catanio unlawfully removed four children from the care, custody, and control of their parents without a warrant or an exception to the warrant requirement. Defendant Austin was then awarded trainer of the year. Defendant City settled this lawsuit with monetary compensation to the victims.
- f. *Daniels v. City of Folsom*, No. 2:10-cv-00323 (E.D. Cal. 2010), Officer Andrea Chapman used her taser on Michael Daniels without a stated reason, resulting in multiple surgeries leaving him permanently disabled. Defendant Rice was a defendant in this case as well, for negligence.
- g. *Trifu v. Police Dep't* No. 2:23-cv-01993-TLN-DB (E.D. Cal. 2023), Officer Brian Airoso used excessive force when he battered Doru Trifu during a traffic stop. The victims of these officers did not take solace in knowing their suffering prevented the future suffering of others because none of the officers were disciplined for their actions.

163. Defendants, under color of law, intentionally, negligently, and with complete indifference, caused Plaintiffs to be deprived of their constitutional rights by failing to properly supervise, screen, hire, appoint, promote, train, and discipline the conduct of Defendants in the following ways:



1 a. Failing to train the officers properly and adequately in the Folsom PD  
2 regarding firearm safety.

3 b. Failing to issue clear, consistent, reasonable policies, to avoid  
4 excessive force while executing search warrants, and a separate policy for suspected non-  
5 violent offence violation investigations.

6 c. Failing to issue clear, consistent, and reasonable policies concerning  
7 the use of militarized equipment and the risks associated with their use, as required by AB-  
8 481, particularly when executing search warrants for non-violent offenses, e.g.  
9 eavesdropping.

10 d. Failure to educate and train officers on the different levels of force to  
11 be exercised when executing a search warrant for a non-violent offense where none of the  
12 occupants of the home are known to have firearms or other deadly weapons.

13 e. Failure to discipline Defendants when a complaint is received about  
14 unsafe and potentially deadly practices.

15 f. Failing to properly train the officers regarding the dangers of  
16 unnecessarily deploying the SWAT team for routine policing.

17 g. Failure to adequately educate and train the officers on trigger  
18 discipline.

19 h. Failure to train and educate officers on the risks involved with a lighter  
20 trigger pull weight on automatic assault rifles.

21 i. Failure to train and educate officers on the increased risk of  
22 unintentional discharge with automatic assault rifles.

23 164. Defendant Officers know that their actions will not be properly monitored and  
24 that their misconduct will be tolerated and not be thoroughly investigated or sanctioned.

25 165. Plaintiffs have suffered pain, anxiety, trauma, humiliation emotional distress,  
26 and economic harm as a direct and proximate result of Defendants actions.  
27  
28



1 166. Plaintiffs are entitled to compensatory, equitable, and/or exemplary damages  
2 against Defendants under 42 U.S.C. § 1983 because Defendants' actions were malicious,  
3 willful, or with reckless disregard of the Plaintiffs' constitutional rights.

4 ///

5 **EIGHTH CLAIM**

6 **Violation of the Fourth Amendment (42 U.S.C. § 1983)**

7 **Unconstitutional Custom or Practice Municipal Liability – (*Monell*)**

8 **(All Plaintiffs against Defendant City)**

9 167. Plaintiffs re-allege and incorporate by reference all the preceding paragraphs  
10 as though fully set forth in this claim.

11 168. Defendant City violated the Plaintiffs Constitutional rights secured to them  
12 under the Fourth Amendment by having in place policies, procedures, customs, and practices  
13 which were directed, encouraged, allowed, and/or ratified by policy making officers for the  
14 unconstitutional actions and/or omissions of the Defendants.

15 169. Given the nature of the work performed by City of Folsom SWAT, the need to  
16 establish proper policies, to properly train SWAT members, and to discipline errant officers  
17 who engage in the acts alleged herein was at all times relevant known and obvious to  
18 Defendant City and its policymakers. The failure to do so is intentional.

19 170. In *Flores v. Cnty. Of Los Angeles*, 758 F.3d 1154, 1158 (9<sup>th</sup> Cir. 2014), the  
20 Ninth Circuit explained that a County cannot be held responsible for one Deputy's isolated  
21 sexual assault incident, as it is unreasonable to file a *Monell* claim for failing to have a policy  
22 for conduct that is already universally understood to be unlawful, quoting, *United States v.*  
23 *Budd*, 144 U.S. 154, 163, 12 S.Ct. 575, 36 L.Ed. 384 (1892), "There is, however, every  
24 reason to assume that police academy applicants are familiar with the criminal prohibition on  
25 sexual assault, as everyone is presumed to know the law."

26 171. There is no universal assumption that police officers will be qualified to  
27 participate in a SWAT team operation upon completing their police academy training. In  
28 California, each police department is responsible for the training of their specialized tactical



1 team. SWAT teams are highly organized structures, molded to work as a single,  
2 synchronized unit, requiring intense training to work together to carry out a detail with  
3 precision under dangerous life-threatening conditions. This leaves no room for a rogue  
4 officer that cannot follow instructions. If a SWAT team plainly engages in concerted  
5 unlawful practices it is indicative of an unlawful practice or custom. If the supervisors chosen  
6 by the department are advocating for training that goes against clearly established California  
7 law, then there is a systemic break-down that needs to be corrected.

8 172. Defendant City, its policymakers, and its supervisors within the Folsom PD  
9 know or should know of Cal. Gov. Code § 7286(b)(2)(b), which states that each law  
10 enforcement agency must maintain a policy that provides a minimum standard on the use of  
11 force, to include the requirement that an officer may only use a level of force that they  
12 reasonably believe is proportional to the seriousness of the suspected offense or the  
13 reasonably perceived level of actual or threatened resistance. This cohesive unlawful actions  
14 of the defendants, as alleged herein above, demonstrates a total disregard of the Section 7286  
15 mandate and is evidence that Defendant City is not training its SWAT team as required by  
16 law.

17 173. Defendant City, its policymakers, and its supervisors within the Folsom PD  
18 are also aware per California Penal Code § 13514.1(b), which requires that law enforcement  
19 agencies that conduct SWAT operations must include the recommendations contained in the  
20 “Attorney General’s Commission on Special Weapons and Tactics (S.W.A.T.) Final Report  
21 of 2002” when developing their training and guidelines for their teams. The Report includes  
22 a SWAT deployment criteria, a threat assessment criteria, a risk/benefit criteria prior to  
23 executing a search warrant, and directs that firearm training should incorporate established  
24 written safety protocols. These guidelines were not followed by the Folsom PD. Based on the  
25 decision to deploy the SWAT team to carry out a search warrant for a wobbler offense of  
26 eavesdropping, it is apparent that Defendant City does not have a threat or risk criteria as part  
27 of its decision-making chain, or, alternatively, does not properly train its SWAT teams  
28 regarding execution of warrants for low level, non-violent offenses.



1           174. Defendant City, its policymakers, and the supervisors within the Folsom PD  
2 also know or should know of the fundamental rules of firearm safety established with  
3 Department of Justice, and Commission on Peace Officer Standards and Training that state  
4 that a firearm should only be pointed at a target if the officer is willing and prepared to shoot.  
5 Based on the number of violations, alleged herein, it is apparent that Defendant City  
6 inadequately trains its SWAT members regarding basic firearm safety.

7           175. Defendants violated the Plaintiffs Constitutional rights secured to them under  
8 the Fourth Amendment by permitting and encouraging their officers to unreasonably use  
9 excessive force against unarmed citizens and instill fear of grave physical injury or death into  
10 them in connection with executing search warrants.

11           176. The supervisors chosen by Defendant City failed to train SWAT team  
12 regarding differentiating levels of risk for deployment, and not in accordance with  
13 established law. The willingness to use deadly force in executing a warrant for evidence of  
14 potential eavesdropping was unreasonable. The fact that the SWAT team was willing to use  
15 the threat of deadly violence on Plaintiff King and Plaintiff Bailey, who were not even  
16 suspects, was also unreasonable. Defendant City's approval and ratification of the Folsom  
17 PDs decision to deploy a SWAT team prepared to use deadly force, on the Plaintiffs for an  
18 investigation into an alleged non-violent offense, and determination that Plaintiffs' complaint  
19 was "unfounded," reveals Defendant City's deliberate indifference to safety, security, and the  
20 rights of Plaintiffs. See **Exhibit 7**.

21           177. The Defendant's culture of indifference and malicious intent is made obvious  
22 by the Defendants referring to the traumatic SWAT deployment on the Plaintiffs residence as  
23 "Loki [drone] practice," as seen and heard on Kasa Smart Doorbell, video S-35. See **Exhibit**  
24 **1**.

25           178. The Defendant policymakers and supervisors approved and maintained the  
26 following unconstitutional customs, practices, and policies:  
27  
28



1           a.       The potentially fatal practice of exploiting their citizens for a live  
2 SWAT rehearsal by using SWAT to execute search warrants for alleged non-violent  
3 offenses, e.g. eavesdropping.

4           b.       Encouraging the exploitation of such citizens to indoctrinate and  
5 acquire new military equipment.

6           c.       Unnecessarily deploying the SWAT team against applicable law,  
7 recommendations and guidelines set by the Attorney General and the Commission (POST),  
8 to ensure the safety and rights of the citizens

9           d.       Assigning new detectives to investigations without guidance or  
10 supervision.

11          e.       Teaching new detectives unacceptable and dishonest practices when  
12 writing affidavits to increase the chance of obtaining a search warrant.

13          f.       Allowing detectives to go to the extreme measure of obtaining a search  
14 warrant and deploying the SWAT team, before thoroughly investigating suspected crimes.

15          g.       Allowing officers to exaggerate on the threat assessment for deploying  
16 the SWAT team.

17       179.   Policies, training, and/or customs that need updating or completely absent  
18 from the Folsom Police Department policy manual:

19           a.       A policy to not aim firearms at innocent civilians who are compliant.

20           b.       A policy for mandatory education on the statistics and risks associated  
21 with the unintentional discharge of automatic assault rifles.

22           c.       A policy for a structured guide to help new detectives be more  
23 thorough and successful in their investigations.

24           d.       A policy that distinguishes that the officer investigating service  
25 complaints must not have had direct involvement in the incident the complaint is in reference  
26 to.

27           e.       A written and particularized risk and threat assessment in compliance  
28 with California Penal Code § 13514.1(b).



180. The fact that all of the officer defendants, including supervisors, participated in the above alleged events is evidence that the alleged comported with the regularly established customs and practices of Folsom PD – which customs and practices were the moving force that caused the violation of Plaintiffs’ rights.

181. Plaintiffs have suffered and continue to suffer pain, anxiety, trauma, humiliation, emotional distress, and economic harm as a direct and proximate result of Defendants actions.

182. Plaintiffs are entitled to compensatory, equitable, and/or exemplary damages against Defendants under 42 U.S.C. § 1983 because Defendants' actions were malicious, willful, or with reckless disregard of the Plaintiffs' constitutional rights.

## **PRAYER FOR RELIEF**

The Plaintiffs Pray for the following relief from Defendant City and Defendant Officers for each of the above causes of action;

1. Declare that Defendants violated Plaintiffs' constitutional rights;
2. For compensatory, equitable, and/or exemplary damages against Defendants under 42 U.S.C. § 1983, and any other applicable laws or statutes, in an amount sufficient for losses suffered by the Plaintiffs and to deter future misconduct;
3. For special damages, including but not limited to, loss of use and enjoyment of real property, and loss of familial relationship;
4. For injunctive relief prohibiting Defendants' prospective actions, inactions, and/or policies or customs complained of herein in violation of the U.S. Constitution;
5. For statutory damages according to proof;
6. Attorney's fees and costs; and
7. For such further relief as the court deems just and proper.

///

///

///



**JURY DEMAND**

Plaintiffs hereby demand a trial by jury in this action.

Dated: 12/4/2025

**LAW OFFICE OF SAMUEL H. PARK, APC**

By: /s/ Samuel H. Park  
Samuel H. Park,  
Attorney for Plaintiffs,  
George P. Umberger, II; Lisabeth A. King;  
Savannah R. Bailey



# EXHIBIT 1



## S\_35\_1689258935\_1689258995 (1)

 1mins

### Transcript

**Wagner** 00:01

Alright Buddy, You guys can go enjoy, your SWAT worked out, or Loki practice, whatever you prefer. Yeah, you're canceled, we're actually done here at this location it looks like.

**Wagner** 1 00:12

They were pretty cooperative. We got to log in there, computers. Looked at what we were looking for, and so we're all gonna clear here and head over there. And we should be good. All right, thank you, sir. I appreciate have a good SWAT. Yep, thanks.

**Wagner** 00:27

Yeah, this one was

**Davis** 00:27

Different

**Wagner** 00:38

Well, no, no, I mean, they're all different. So we figured we just have new drones, just start getting them indoctrinated. These search warrants are about having, as far as you, clearing and moving people around and we knew there was not going to be a lot of evidence, if any at all to collect.



## **EXHIBIT 2**



Use this form if someone has asked for a domestic violence restraining order against you, and you want to respond in writing. You will need a copy of form DV-100, *Request for Domestic Violence Restraining Order*, that was filled out by the person who asked for a restraining order against you. There is no cost to file this form with the court.

Do not use this form if you want to ask for your own restraining order. Read form DV-500-INFO, *Can a Domestic Violence Restraining Order Help Me?* to find out more about this type of restraining order.

Fill in court name and street address:

Superior Court of California, County of  
Sacramento  
William R. Ridgeway Family Relations  
Courthouse  
3341 Power Inn Road  
Sacramento, CA 95826

Fill in case number:

Case Number:  
22FL02996

1 Name of Person Asking for Protection:

(See form DV-100, item ①):

Jennifer A. Umberger

Jennifer A Umberger

2 Your Name: George P Umberger II

! Address where you can receive court papers

(This address will be used by the court and by the person in ① to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box, a Safe at Home address, or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: 9268 Greenback Lane

City: Orangevale

State: CA

Zip: 95662

! Your contact information (optional)

(The court could use this information to contact you. If you don't want the person in ① to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Email Address: OVJLoan2@yahoo.com

Telephone: 916-342-6915

Fax:

Your lawyer's information (if you have one)

Name:

State Bar No.:

Firm Name:

3 Your Hearing Date (Court Date)



Your hearing date is listed on form DV-109, *Notice of Court Hearing*. If you do not agree to having a restraining order against you, attend your hearing date. If you do not attend your hearing, the judge could grant a restraining order that could last up to five years.

**This is not a Court Order.**



**How to complete this form:** To answer the questions below, look at the form DV-100 filled out by the person in (1). Tip: When the restraining order forms say "the person in (2)" that means you, and the "person in (1)" means the person who is asking for a restraining order against you.

**4 Information About You** (see (2) on form DV-100)

The person in (1) listed your name, age, gender, and date of birth. If any of the information is incorrect, use the space below to give the correct information.

**5 Your Relationship to the Person in (1)**

In item (3) of form DV-100, has the person in (1) correctly described your relationship with them?

☒ Yes ☐ No If no, what is your relationship with the person in (1)?

**6 History of Court Cases and Restraining Orders** (see (4) on form DV-100)

The person in (1) may have listed other court cases or restraining orders involving you. If information is incorrect or missing, use the space below to give information.

I was granted DVRO against Jennifer that expired 08/14/22, dissolution 05/15/23 same case number. 22FL02996

☒ Check here if you are including a copy of restraining order or court order that you want the judge to know about.

**7 ☒ Other Protected People**

If the judge grants a restraining order, it can include family or household members of the person in (1). See (8) on form DV-100 to see if the person in (1) is asking for other people to be protected by the restraining order.

a. ☐ I agree to the order requested.

b. ☒ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: I have never

been abusive verbally, physically or emotionally to Jennifer or my sons.

**8 ☒ Order to Not Abuse** (see (10) on form DV-100)

a. ☐ I agree to the order requested.

b. ☒ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: I have never

been abusive verbally, physically or emotionally to Jennifer or my sons.

**This is not a Court Order.**



**9** ☒ **No-Contact Order** (see (11) on form DV-100)

- a. ☐ I agree to the order requested.
- b. ☒ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: I can stay away from her but my sons do not feel that they need protection from me.

**10** ☒ **Stay-Away Order** (see (12) on form DV-100)

- a. ☐ I agree to the orders requested.
- b. ☒ I do not agree to the orders requested.

Explain why you disagree, or describe a different order that you would agree to: I can stay away from her, but my sons do not feel that they need protection from me.

**11** ☐ **Order to Move Out** (see (13) on form DV-100)

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

**12** ☐ **Other Orders** (see (14) on form DV-100)

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

**13** ☒ **Child Custody and Visitation** (see (15) on form DV-100 and DV-105)

- a. ☐ I am **not** the parent of the child listed in form DV-105, *Request for Child Custody and Visitation Orders*
- b. ☒ I am the parent of the child or children listed in form DV-105 (check one):

(1) ☐ I agree to the orders requested.

(2) ☒ I do not agree to the orders requested. (Complete form DV-125, *Response to Request for Child Custody and Visitation Orders*, and attach it to this form.)

**This is not a Court Order.**



**14** ☐ **Protect Animals** (see 16 on form DV-100)

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

**15** ☐ **Control of Property** (see 17 on form DV-100)

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

**16** ☐ **Health and Other Insurance** (see 18 on form DV-100)

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

**17** ☒ **Record Communications** (see 19 on form DV-100)

- a. ☐ I agree to the order requested.
- b. ☒ I do not agree to the order requested.

**18** ☐ **Property Restraint** (see 20 on form DV-100)

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

**19** ☐ **Pay Debt (Bills) Owed for Property** (see 22 on form DV-100)

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

**This is not a Court Order.**



**(20) ☐ Pay Expenses Caused by the Abuse** (see (23) on form DV-100)

- a. ☐ I agree to the order requested.  
b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

**(21) ☐ Child Support** (see (24) on form DV-100)

- a. ☐ I agree to the order requested.  
b. ☐ I do not agree to the order requested.  
c. ☐ I agree to pay guideline child support. (Learn more about guideline child support at [www.courts.ca.gov/selfhelp-support.htm](http://www.courts.ca.gov/selfhelp-support.htm).)

**(22) ☐ Spousal Support** (see (25) on form DV-100)

- a. ☐ I agree to the order requested.  
b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

**(23) ☐ Lawyer's Fees and Costs** (see (26) on form DV-100)

- a. ☐ I agree to the order requested.  
b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

- c. ☐ I ask that the person in (1) pay for some or all of my lawyer's fees and costs.

**(24) ☐ Batterer Intervention Program** (see (27) on form DV-100)

- a. ☐ I agree to the order requested.  
b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

**This Is not a Court Order.**



**(25) ☐ Transfer Wireless Phone Account** (see (28) on form DV-100)

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

**(26) Firearms (Guns), Firearm Parts, or Ammunition** (see (29) on form DV-100)

If you were served with form DV-110, *Temporary Restraining Order*, you must follow the orders in (5) on form DV-110. You must file a receipt with the court from the law enforcement agency or a licensed gun dealer within 48 hours after you received form DV-110. You may use form DV-800/JV-270, Receipt for Firearms, Firearm Parts, and Ammunition.

(Check all that apply)

- a. ☒ I do not own or have any prohibited items (firearms (guns), prohibited firearm parts, or ammunition).
- b. ☐ I have turned in all prohibited items that I have or own to law enforcement or sold/stored them with a licensed gun dealer. A copy of the receipt showing that I turned in, sold, or stored the prohibited items (check all that apply): ☐ is attached ☐ has already been filed with the court.
- c. ☐ I ask for an exception to carry a firearm for work only (You will have to show the judge that your work requires you to have a firearm, and that your employer cannot reassign you to another position where a firearm is not needed. If you are a peace officer, there are additional requirements.)

(Give details, like what your job is and why you need a firearm): \_\_\_\_\_

**(27) Cannot Look for Protected People** (see (30) on form DV-100)

- a. ☐ I agree to the order.
- b. ☐ I do not agree to the order.

Explain why you disagree, or describe a different order that you would agree to: \_\_\_\_\_

**(28) ☒ Additional Reasons I Do Not Agree with the Request** (optional)

Explain why you do not agree to any of the orders requested by the person in (1) (give specific facts and reasons):

~~I have attached text messages between myself and our real estate agent, Gina, on June 4, 2023. Jennifer was informed, and agreed, to our interaction being recorded. This is due to the verbal abuse I endured during an argument when I was there a few days prior. Her erratic behavior resulted in my 17-year-old son having to pull her away from me as she was screaming less than an inch from my face. And then when I went back to get the pressure washer she called the Folsom PD on me.~~

~~-Cont attached Form MC-020~~

- ☒ Check here if you need more space. Attach a sheet of paper and write "DV-120, Additional Reasons I Do Not Agree with the Request" at the top.

**This is not a Court Order.**



**29** ☐ **My Out-of-Pocket Expenses**

If the request for restraining order is denied by the judge at the court hearing, I ask the judge to order the person in **(1)** to pay my out-of-pocket expenses because the temporary restraining order was granted without enough supporting facts. The expenses are:

For: <u>Hired help</u>	Because: <u>Preventing me from doing repairs for house sale</u>	Amount: \$ <u>500</u>
For: <u>Hired help</u>	Because: <u>Preventing me from pool upkeep for house sale</u>	Amount: \$ <u>220</u>
For: <u>Missed work</u>	Because: <u>2 days for responding and appearing</u>	Amount: \$ <u>100</u>

**30** **Additional Pages**

Number of pages attached to this form, if any: 6

**31** **Your signature**

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: 06/29/2023

George P Umberger II


Type or print your name

  
Sign your name

**32** **Your lawyer's signature (if you have one)**

Date: \_\_\_\_\_

\_\_\_\_\_  
Lawyer's name

  
Lawyer's signature

**Your Next Steps**

- If the person in **(1)** asked for child support, spousal support, or anyone is asking for lawyer's fees, you must complete form FL-150, Income and Expense Declaration. If the person in **(1)** is only asking for child support (item 24 on form DV-100), you may be eligible to fill out a simpler form, form FL-155. Read form DV-570 to see if you are eligible to fill out form FL-155. Before your court date, you must file form FL-150 or FL-155 with the court. Then you must have a server mail a copy to the person in **(1)** and have your server complete form DV-250, Proof of Service by Mail. After form DV-250 is completed, file it with the court.
- Prepare for your court date by gathering evidence or witnesses, if you have any. Learn more at: <https://selfhelp.courts.ca.gov/respond-domestic-violence-restraining-order>. More information is also available on form DV-120-INFO, How Can I Respond to a Request for Domestic Violence Restraining Order?

**This is not a Court Order.**



## **EXHIBIT 3**





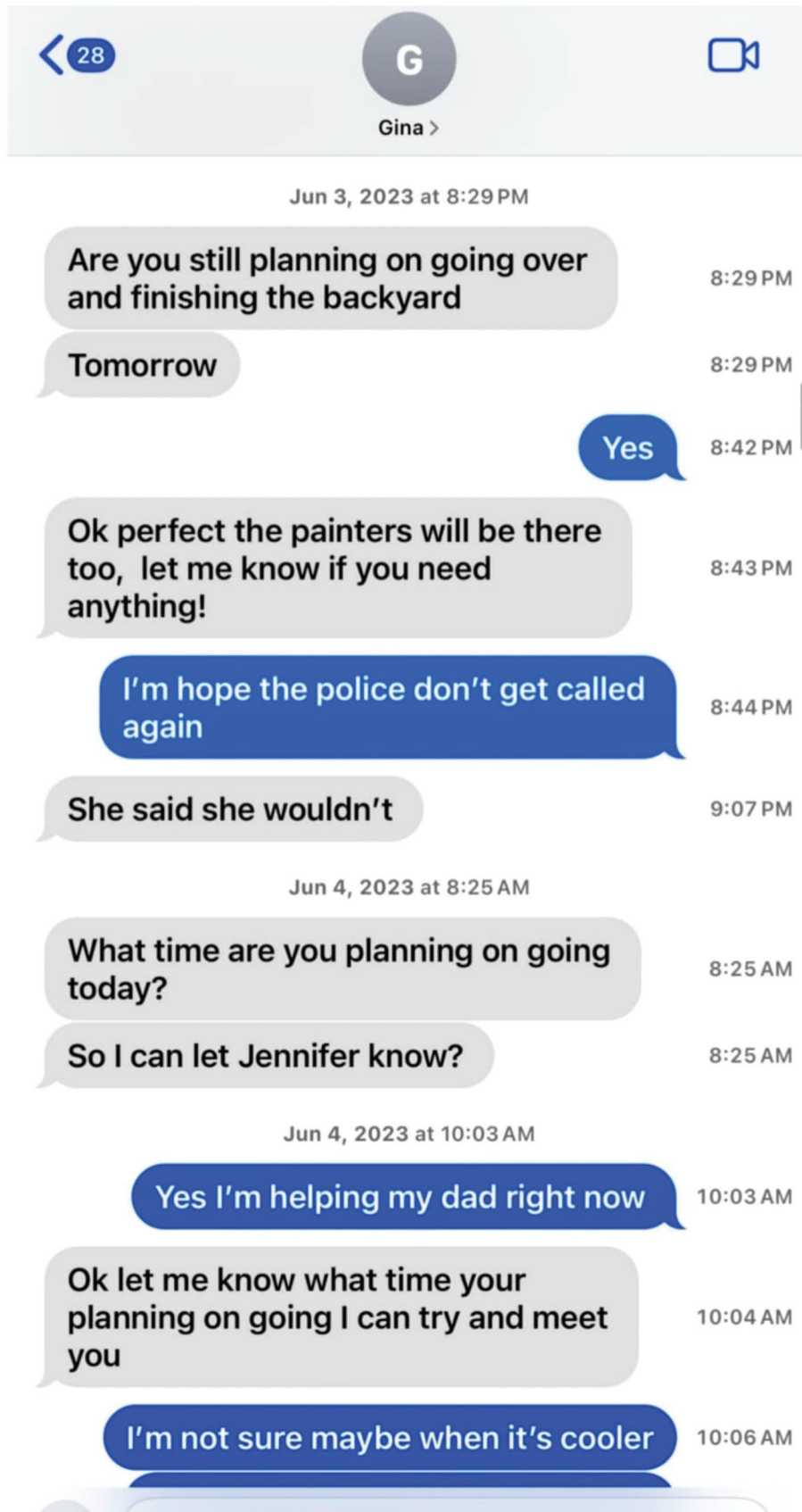




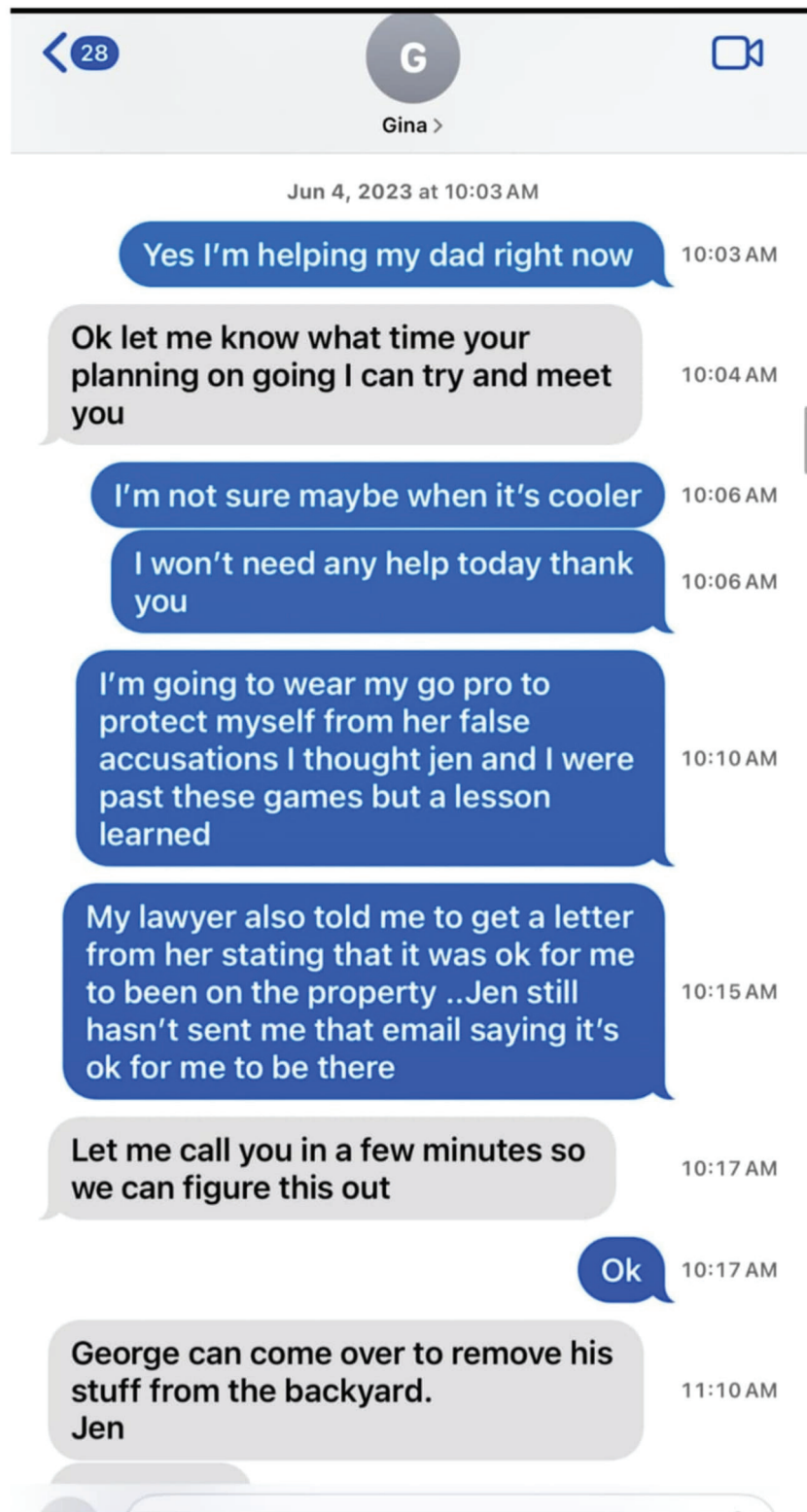


## **EXHIBIT 4**

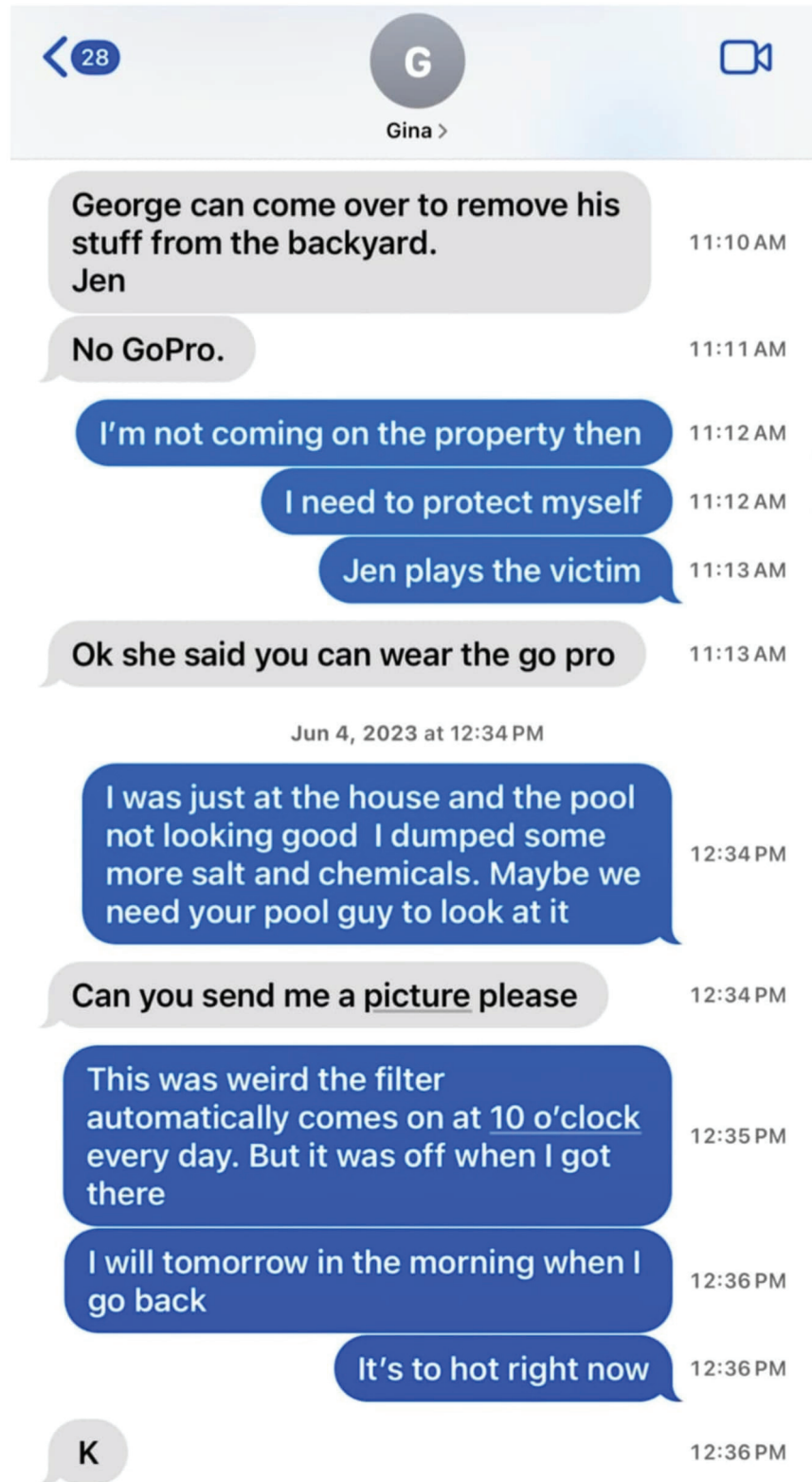














3 People >

Tue, May 23 at 7:29 PM

I need to look in the garage

Jen

You need to get a door handle for the side door as well. They all need keys.

And the interior garage door. Needs a key and to close properly.

Wed, May 24 at 7:59 PM

So why don't you want to paint the house

Wed, May 24 at 9:06 PM

Jen

I'm not paying for that.

Don't contact me again. Talk to Gina only.

Really

Why can't you act like an adult?

The house needs to be painted

Jen

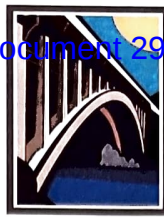
No it does not.

The court yard look like shit



## **EXHIBIT 5**





CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE

January 18, 2024

George Umberger II  
9268 Greenback Lane  
Orangevale, CA 95662

**Re: Claimant: Umberger II, George**  
**Date of Loss: 07/13/2023**  
**Our File No.: 016-21 23-278**

**NOTICE OF CLAIM REJECTION**

**NOTICE IS HEREBY GIVEN** that the claim which you submitted to the City of Folsom on **December 19, 2023**, was rejected on **January 18, 2024**. California Government Code Section 913 requires that the following warning be given when a claim is rejected.

**WARNING**

**Subject to certain exceptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.**

**If you have questions or concerns regarding this notice, please contact Sedgwick Claim Examiner Alyssa Reese at 916-746-8802.**

Sincerely,

Jennifer Jimenez  
Deputy City Clerk

cc: City Manager  
City Attorney  
File No. 016-21 23-278

50 Natoma Street  
Folsom, California 95630  
916-461-6035  
[www.folsom.ca.us](http://www.folsom.ca.us)



**PROOF OF SERVICE BY MAIL**

I, Jennifer Jimenez, declare as follows:

I am over the age of 18 years, and not a party to this action. My business address is 50 Natoma Street, Folsom, California 95630, which is located in the county where the mailing described took place.

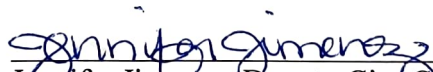
I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

On January 18, 2024, at my place of business set forth above, a copy of the attached letter was placed for deposit in the United States Postal Service in a sealed envelope, with postage thereon fully prepaid, addressed as follows:

George Umberger II  
9268 Greenback Lane  
Orangevale, CA 95662

and that envelope was placed for collection and mailing on that date following ordinary business practices. This declaration was executed on January 18, 2024, at Folsom, California.

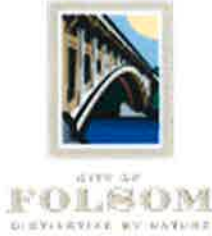
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
Jennifer Jimenez, Deputy City Clerk



## **EXHIBIT 6**





## Folsom City Council Staff Report

<b>MEETING DATE:</b>	7/9/2024
<b>AGENDA SECTION:</b>	Consent Calendar
<b>SUBJECT:</b>	Receive Annual Report regarding Police Use of Military Type Equipment and Approve Resolution No. 11231 - A Resolution Renewing Ordinance No. 1326 and Determining That Specified “Military Equipment” Used by the Folsom Police Department has Complied with Standards for Approval Set Forth in State Law
<b>FROM:</b>	Police Department

### **RECOMMENDATION / CITY COUNCIL ACTION**

Staff recommends that the City Council receive the annual report for use of ‘military’ type equipment and approve Resolution No. 11231 - A Resolution Renewing Ordinance No. 1326 and Determining That Specified “Military Equipment” Used by the Folsom Police Department has Complied with Standards for Approval Set Forth in State Law.

### **BACKGROUND / ISSUE**

On May 24<sup>th</sup>, 2022, City Council first approved the use of certain ‘military’ type equipment to be in compliance with Assembly Bill 481, which as of 2022, required a law enforcement agency (LEA) to obtain approval from the applicable governing body, via adoption of an ordinance approving a “military equipment” use policy, prior to the LEA, acquiring, using, or seeking funds for military equipment. AB 481 defines “military equipment” broadly and creates explicit parameters for the military equipment use policy it requires.

As a result of City Council approval, City of Folsom Ordinance 1326 was enacted along with Folsom Police Policy 707. Ordinance 1326 was renewed by the Council on June 27, 2023.



AB 481 requires an annual report for each type of approved equipment. The law also requires City Council to review and vote on whether to renew the military equipment use ordinance at least annually.

## **POLICY / RULE**

### **Annual Report**

In accordance with Folsom Police Policy 707 and Assembly Bill 481 an annual report must be submitted to City Council. The requirements for the annual report are (in summary):

- Annual report submitted to City Council, summarizing how the equipment was used.
- The annual report must be made public.
- The results of any internal audits or complaints and actions taken.
- The total annual cost of applicable items.
- An inventory of how many applicable items are possessed.
- If the department intends to acquire additional applicable equipment in the next year, the type and quantity of equipment sought.

### **Ordinance Renewal**

AB 481 also requires the Council to review Ordinance 1326 at least annually and to vote on whether to renew the ordinance. As a part of this review, the Council must determine, based on the annual military equipment report described above, whether each type of military equipment identified in that report has complied with the following standards for approval:

- A. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- B. The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- C. If purchasing equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- D. Prior military equipment use complied with the military equipment use policy that was in effect at the time.

If the Council determines that each type of military equipment identified in the report has complied with the standards for approval, it may vote to renew the ordinance. If the Council determines that a type of military equipment identified in the annual report has not complied with the standards for approval, the Council must either disapprove a renewal of the authorization for that type of military equipment or require modifications to the military equipment use policy in a manner that will resolve the lack of compliance.



## **ANALYSIS**

### **Annual Report**

The Police Department utilized several of the items listed in City of Folsom Ordinance 1326 as well as Folsom Police Policy 707 over the last year. These items were used in a variety of incidents including but not limited to: barricaded subjects, high risk incidents, critical incidents, high risk building entries, felony vehicle stops, suspect searches, missing person searches, outside agency assistance, training, etc.

Number of operational uses per applicable items:

1. Armored Vehicle (Bearcat)- 13
2. Drone (all)- 13
3. Tactical Robot (Robotex Avatar)- 1
4. Long Range Acoustical Device (LRAD)- 5
5. SWAT Rifle- 21
6. Patrol/Officer Rifle- 15
7. Less Lethal Shotgun- 21
8. Less Lethal Munition Launcher- 3
9. Mobile Command and Communications Unit (MCCU)- 2
10. Anti Vehicle Barriers- 5
11. Diversionary Devices- 3
12. Less Lethal Baton- 0
13. Less Lethal Bean Bag- 3
14. Chemical Munitions- 2
15. Sniper Ammunition- 0

Number of training uses per applicable items:

1. Armored Vehicle (Bearcat)- 15
2. Drone (all)- 15
3. Tactical Robot (Robotex Avatar)- 5
4. Long Range Acoustical Device (LRAD)- 2
5. SWAT Rifle- 24
6. Patrol/Officer Rifle- 5
7. Less Lethal Shotgun- 5
8. Less Lethal Munition Launcher- 4
9. Mobile Command and Communications Unit (MCCU)- 2
10. Anti Vehicle Barriers- 0
11. Diversionary Devices- 5
12. Less Lethal Baton- 1
13. Less Lethal Bean Bag- 5
14. Chemical Munitions- 5
15. Sniper Ammunition- 3,500



The Police Department received one community complaint related to the use of drones and the display of SWAT Rifles during a search warrant. The complaint was investigated and determined to be unfounded.

Once submitted, a copy of this report will be placed on the Police Department's website.

In June 2024, the Police Department replaced the current Less Lethal Munition Launchers with Defense Technology 40 mm launchers and required munitions. The Launcher is slated for deployment by the Patrol Division and the SWAT Team. This device boasts several features that render it superior and safer compared to the current launcher in deployment. Equipped with a rifled barrel, it facilitates more precise shot placement and ensures consistent velocities. Notably, it is lighter and more compact than its predecessor, allowing for direct deployment from patrol vehicles. Moreover, it offers the flexibility of both standard range (5-40 meters) and extended range (10-70 meters), thereby expanding the safe distance for engaging aggressive, non-compliant individuals without direct contact. These items have not been authorized for use pending the required training and approval of this report. The current less lethal munition launcher will be taken out of service pending approval of this report and the required training for our personnel.

The Police Department does intend on acquiring a new tactical robot within the next reporting period. The current robot is outdated and in need of replacement. The Police Department was awarded a Homeland Security grant which will cover the entire cost of the robot but is currently awaiting delivery of the award letter. A future staff report will be submitted for approval.

#### Ordinance Renewal

As shown in the annual report, each type of equipment used has complied with the standards for approval referenced in the Policy/Rule section of this report.

Over the past year, there have been no changes to the necessity for any of the listed equipment. It remains the case that no reasonable alternatives exist to achieve the same objectives of officer and civilian safety gained by use of the listed equipment. As stated to the Council in our initial presentation on this issue, items deemed to be "military equipment" by AB 481 are used as a component of overall best practices for law enforcement agencies throughout the country. These tools have been tested in the field and are used by law enforcement to enhance citizen safety and officer safety. Loss of these items would jeopardize the welfare of citizens and peace officers within the City of Folsom. For example, the rifles deemed to be "military equipment" allow peace officers to address lethal threats from a greater distance, with greater precision. These statements remain true today.

Police Policy 707 has and will continue to safeguard the public's welfare, safety, civil rights, and civil liberties. As explained in association with adoption of Ordinance 1326, all sworn officers with the Folsom Police Department are bound by a stringent set of laws, policies, and procedures which are in line with the public's welfare, safety, civil rights, and civil liberties. Similarly, all officers are trained in a variety of strategies and tactics which are in line with the laws, policies, and procedures by which we are bound, prior to the use or



application of any military type equipment. These policies, procedures, and training requirements are all reflected in Police Policy 707 and no changes to that Policy are proposed.

The Police Department's use of military type equipment over the past year complied with Police Policy 707. As explained above, the equipment was used in a variety of incidents including but not limited to: barricaded subjects, high risk incidents, critical incidents, high risk building entries, felony vehicle stops, suspect searches, missing person searches, outside agency assistance, training, etc. The equipment used in each incident was authorized for such uses, as documented in Police Policy 707. In addition, the officers using the equipment were properly trained before each deployment, as required.

While the Department is considering the purchase of a new tactical robot, that equipment is not being requested or approved as a part of this report. A future staff report will analyze the standard for approval of new equipment in association with that proposed purchase.

### **ENVIRONMENTAL REVIEW**

The California Environmental Quality Act (CEQA) does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment or to activities that are not otherwise considered a "project" as defined by Public Resources Code § 21065. (CEQA Guidelines § 15061(c)(3) and § 15378.) The Council's decision regarding renewal of Ordinance 1326 meets the above criteria and is not subject to CEQA. No environmental review is required.

### **FINANCIAL IMPACT**

The estimated yearly financial impact of listed items (training and operational), including maintenance costs during this reporting period was approximately \$15,165.

### **ATTACHMENTS**

1. Resolution No. 11231 - A Resolution Renewing Ordinance No. 1326 and Determining that Specified "Military Equipment" Used by the Folsom Police Department has Complied with Standards for Approval Set Forth in State Law
2. Updated Inventory List of Equipment - 2024
3. Folsom Police Policy 707



Submitted,

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Richard Hillman, Chief of Police



## **Attachment 1**

**Resolution No. 11231 - A Resolution Renewing Ordinance No. 1326  
and Determining that Specified “Military Equipment” Used by the  
Folsom Police Department has Complied with Standards for Approval  
Set Forth in State Law**



**RESOLUTION NO. 11231**

**A RESOLUTION RENEWING ORDINANCE NO. 1326 AND  
DETERMINING THAT SPECIFIED “MILITARY EQUIPMENT” USED BY THE  
FOLSOM POLICE DEPARTMENT  
HAS COMPLIED WITH STANDARDS FOR APPROVAL SET FORTH IN STATE LAW**

**WHEREAS**, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, relating to the use of “military equipment” by law enforcement agencies; and

**WHEREAS**, Assembly Bill 481, codified at Government Code section 7070 through 7075, requires law enforcement agencies to obtain approval from the applicable governing body, by an ordinance adopting a “military equipment” use policy, at a regular meeting held pursuant to open meeting law, before taking certain actions related to the funding, acquisition, or use of “military equipment”; and

**WHEREAS**, the term “military equipment” is defined in Government Code section 7070; and

**WHEREAS**, on May 24, 2022, the City Council adopted Ordinance No. 1326 approving the Folsom Police Department’s Military Equipment Use Policy in compliance with Assembly Bill 481; and

**WHEREAS**, Assembly Bill 481 requires law enforcement agencies to submit an annual military equipment report containing specified information to the applicable governing body; and

**WHEREAS**, Assembly Bill 481 requires the governing body of a law enforcement agency to review its “military equipment” ordinance at least annually and vote on whether to renew the ordinance at a regular meeting held pursuant to open meeting law; and

**WHEREAS**, Assembly Bill 481 requires the governing body to determine whether each type of military equipment identified in the annual military equipment report has complied with specified standards for approval in association with the annual renewal of the ordinance; and

**WHEREAS**, the annual military equipment report was submitted to the City Council at the July 9, 2024 meeting.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Folsom makes the following determinations after reviewing the annual military equipment report submitted by the Folsom Police Department:

1. Each type of military equipment identified in the report is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. Police Policy 707 will safeguard the public’s welfare, safety, civil rights, and civil



liberties.

3. No new military equipment is proposed for purchase at this time.
4. Prior military equipment use complied with Police Policy 707.

**BE IT FURTHER RESOLVED** that the City Council of the City of Folsom has reviewed and hereby renews Ordinance No. 1326 in accordance with Government Code section 7071.

**PASSED AND ADOPTED** this 9<sup>th</sup> day of July 2024, by the following roll-call vote:

**AYES:** Councilmember(s):

**NOES:** Councilmember(s):

**ABSENT:** Councilmember(s):

**ABSTAIN:** Councilmember(s):

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Michael D. Kozlowski, MAYOR

ATTEST:

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Christa Freemantle, CITY CLERK



## Attachment 2

### Updated Inventory List of Equipment - 2024



<b>DJI Matrice 210</b>	
Description	Commercial UAS
Quantity	1
Capability	Fly, Hover, broadcast video, record video, Photography, FLIR, carry payload up to approx. 7.5lbs.
Life Span	UAS devices need to be upgraded as software becomes obsolete by vendors.
Manufacturer's Description	Commercial grade UAV equipped with a thermal imaging camera and a 30x zoom camera. 38 mins. maximum flight time. Has live stream capabilities.
Purpose	Provide Aerial Support for L.E. operations
Authorized Usage	Investigative Used by SWAT, Patrol, Search and Rescue to locate persons.
Costs	\$30,000 approx. \$2,000 anticipated yearly maintenance & battery cost
Required Training	32-hr Basic Pilots Course (or equivalent), FAA Remote Pilot Certificate (Part 107)
Authority for Authorized Use	Certificate of Authority issued by FAA - #2020-WSA-7949-COA, FAA Part 107 holder and completion of Department Training, Folsom Police Department Policy – Section 391

<b>DJI Phantom 4 Pro</b>	
Description	Commercial UAS
Quantity	1
Capability	Fly, Hover, broadcast video, record video, Photography
Life Span	UAS devices need to be upgraded as software becomes obsolete by vendors.
Manufacturer's Description	Commercial grade UAS equipped with UHD capable camera. Has live stream capability and 28 min. flight time.
Purpose	Provide Aerial Support for L.E. operations
Authorized Usage	Investigative Used by SWAT, Patrol, Search and Rescue to locate persons.
Costs	\$2,500 approx. \$300 anticipated yearly maintenance & battery cost
Required Training	32-hr Basic Pilots Course (or equivalent), FAA Remote Pilot Certificate (Part 107)
Authority for Authorized Use	Certificate of Authority issued by FAA - #2020-WSA-7949-COA, FAA Part 107 holder and completion of Department Training, Folsom Police Department Policy – Section 391

<b>DJI Mavic 2 Enterprise</b>	
Description	Commercial UAS
Quantity	3
Capability	Fly, Hover, broadcast video, record video, Photography, broadcast instant and/or prerecorded notifications.
Life Span	UAS devices need to be upgraded as software becomes obsolete by vendors.
Manufacturer's Description	Commercial grade UAS equipped with Single 4k colored camera with Zoom capabilities. Has live stream capability and 30 min. flight time.
Purpose	Provide Aerial Support for L.E. operations
Authorized Usage	Investigative Used by SWAT, Patrol, Search and Rescue to locate persons.



Costs	\$3,600 approx. \$400 anticipated yearly maintenance & battery cost
Required Training	32-hr Basic Pilots Course (or equivalent), FAA Remote Pilot Certificate (Part 107)
Authority for Authorized Use	Certificate of Authority issued by FAA - #2020-WSA-7949-COA, FAA Part 107 holder and completion of Department Training, Folsom Police Department Policy – Section 391

DJI Mavic 2 Zoom	
Description	Commercial UAS
Quantity	1
Capability	Fly, Hover, broadcast video, record video, Photography.
Life Span	UAS devices need to be upgraded as software becomes obsolete by vendors.
Manufacturer's Description	Commercial grade UAS equipped with Single 4k colored camera with Zoom capabilities. Has live stream capability and 30 min. flight time.
Purpose	Provide Aerial Support for L.E. operations
Authorized Usage	Investigative Used by SWAT, Patrol, Search and Rescue to locate persons.
Costs	\$1,500 approx. \$400 anticipated yearly maintenance & battery cost
Required Training	32-hr Basic Pilots Course (or equivalent), FAA Remote Pilot Certificate (Part 107)
Authority for Authorized Use	Certificate of Authority issued by FAA - #2020-WSA-7949-COA, FAA Part 107 holder and completion of Department Training, Folsom Police Department Policy – Section 391

DJI Mavic Mini 2	
Description	Commercial UAS
Quantity	2
Capability	Fly, Hover, broadcast video, record video, Photography.
Life Span	UAS devices need to be upgraded as software becomes obsolete by vendors.
Manufacturer's Description	Commerical grade UAS equipped with Single 4k colored camera. Has live stream capability and 30 min. flight time.
Purpose	Provide Aerial Support for L.E. operations
Authorized Usage	Investigative Used by SWAT, Patrol, Search and Rescue to locate persons.
Costs	\$500 approx. \$80 anticipated yearly maintenance & battery cost
Required Training	32-hr Basic Pilots Course (or equivalent), FAA Remote Pilot Certificate (Part 107)
Authority for Authorized Use	Certificate of Authority issued by FAA - #2020-WSA-7949-COA, FAA Part 107 holder and completion of Department Training, Folsom Police Department Policy – Section 391

DJI Mavic Mini	
Description	Commercial UAS
Quantity	1



Capability	Fly, Hover, broadcast video, record video, Photography.
Life Span	UAS devices need to be upgraded as software becomes obsolete by vendors.
Manufacturer's Description	Commerical grade UAS equipped with Single 4k colored camera. Has live stream capability and 30 min. fight time.
Purpose	Provide Aerial Support for L.E. operations
Authorized Usage	Investigative Used by SWAT, Patrol, Search and Rescue to locate persons.
Costs	\$400 approx. \$80 anticipated yearly maintenance & battery cost
Required Training	32-hr Basic Pilots Course (or equivalent), FAA Remote Pilot Certificate (Part 107)
Authority for Authorized Use	Certificate of Authority issued by FAA - #2020-WSA-7949-COA, FAA Part 107 holder and completion of Department Training, Folsom Police Department Policy – Section 391
<b>LOKI-Mk2</b>	
Description	Commercial UAS
Quantity	4
Capability	Fly, Hover, broadcast video.
Life Span	UAS devices need to be upgraded as software becomes obsolete by vendors.
Manufacturer's Description	Commerical grade UAS equipped with Single 4k colored camera. 30 min. fight time.
Purpose	Provide Aerial Support for L.E. operations
Authorized Usage	Investigative Used by SWAT, Patrol for interior tactical scouting missions.
Costs	\$20,000 approx. \$200 anticipated yearly maintenance & battery cost
Required Training	32-hr Basic Pilots Course (or equivalent), FAA Remote Pilot Certificate (Part 107)
Authority for Authorized Use	Certificate of Authority issued by FAA - #2020-WSA-7949-COA, FAA Part 107 holder and completion of Department Training, Folsom Police Department Policy – Section 391
Authority for Authorized Use	Completion of Department Training, Folsom Police Department Policy – Section 391

<b>Blu-Link Streaming Box</b>	
Description	Commerical streaming box
Quantity	1
Capability	Streams video in real-time HD video over a secure internet connection.
Life Span	3-5 years
Manufacturer's Description	Portable video streaming device to stream live HD video in real time over a secure Internet connection.
Purpose	Provide real-time video over a secure internet connection for situational awareness and scene assessment.
Authorized Usage	Completion of Department Training, Folsom Police Department Policy – Section 391



Costs	\$5,400 approx. \$50 anticipated yearly maintenance & battery cost
Required Training	In house departmental training. No POST requirement.
Authority for Authorized Use	Completion of Department Training, Folsom Police Department Policy – Section 391
<b>Avatar III</b>	
Description	Robotex INC Avatar III Robot
Quantity	1
Capability	The Avatar III Robot is a radio controlled robot on a track system of propulsion and is outfitted with Cameras, Speakers, and Microphones. The robot increases officers ability to conduct searches in high risk scenarios by providing video and audio into areas that may not be safe for officers to enter. In addition the cameras, speakers, and micorphones allow for 2 way communication between officers and subjects during critical incidents such as barricaded subjects, hostage situations, or suicidal subjects. The camera system provides additional safety for officers when placed in strategic positions to monitor doorways, hallways or access points. The Avatar III Robot is regulary used by the SWAT team during his risk search warrants, emergency calls, and during outside agency requests for assistance. The Crisis Negotiations Team (CNT) is also able to use the robot for direct communication during critical incidents when other forms of direct contact are unsuccessful.
Life Span	15 years
Manufacturer's Description	The AVATAR® enhances the capabilities of SWAT and tactical response teams by allowing them to inspect dangerous situations quickly and safely, there is no longer a need to send personnel in before you've had a chance to assess the situation. The AVATAR® saves lives by keeping first responders out of harm's way, and it does so at a fraction of the price of other robots. The AVATAR® Robots are regarded by tactical teams as a standard operational tool, like a firearm, vehicle, or piece of body armor. Departments across the United States and internationally are using the AVATAR® Robots
Purpose	To enhance safety for officers and subjects during high risk or critical Incidents.
Authorized Usage	Assisting in lawful searches and surveillance. Communications during critical incidents
Costs	\$26000 \$0 anticipated yearly maintenance & battery cost
Required Training	In house departmental training. No POST requirement.
Authority for Authorized Use	It is the policy of the FPD to utilize a robot only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.



<b>Lenco Bearcat G2</b>	
Description	Armored personnel carrier
Quantity	1
Capability	The BearCat is a large mobile armored vehicle used to conduct rescues mission for both officers and the public, transport personnel and equipment, and provide security to the public.
Life Span	25 years
Manufacturer's Description	<p>The Lenco Bearcat is an armored vehicle built on a Ford F550 frame and is manufactured for law enforcement purposes. The purpose of the Bearcat armored vehicle is to provide ballistic protection to officers and citizens from gunfire. The armored vehicle stops rifle rated rounds including .50 caliber which is commercially available and beyond the protection level of shield and personal body armor possessed by the department.</p> <p>The Bearcat is often deployed several times a month by SWAT personnel while serving high risk search warrants or assisting other agency. It can be utilized by trained patrol personnel to rescue downed officers and citizens. The Bearcat has been struck by gunfire several times and protected the officers inside, behind it, and the community.</p> <p>Protecting officers allows them to contain the suspect and reduce the immediacy of the threat while communicating and de-escalating. Crisis Negotiations Team (CNT) members have operated from inside the armored vehicles during search warrant and SWAT callouts where they communicate with the suspect and attempt to de-escalate.</p>
Purpose	Regional asset and provides armored vehicle response to critical incidents.
Authorized Usage	To protect and safely transport Police personnel to active scenes. Provide security for officers and the public. It is used by the SWAT and officers.
Costs	\$275,000 approx. \$1,000 anticipated yearly maintenance cost
Required Training	All drivers/ operators shall attend formalized instruction and be trained in vehicle operations and practical driving instruction.
Authority for Authorized Use	Use is established under FPD Policy 705. It is the policy of the Department to utilize armored vehicles only for official law enforcement purposes, and pursuant to State and Federal law.

<b>Mobile Command &amp; Communications Unit (MCCU)</b>	
Description	LDV Custom Specialty Vehicles Command Vehicle
Quantity	1
Capability	The MCCU can be utilized for SWAT/CINT and other critical incidents, preplanned large events, searching for missing persons, natural disasters, and community events
Life Span	20 years



Manufacturer's Description	The LDV Custom Specialty Vehicle is a mobile command center built on a 2006 Freightliner chassis and customized for law/fire command/communication purposes. The purpose of the LDV Mobile Command and Communication Unit (MCCU) is to provide an interior space for command staff to plan and organize responses to critical incidents and special events. The MCCU is specially equipped with an onboard dispatch center, a command area, and a radio interoperability system (RIOS) which allows radio communication between local, state, and federal law enforcement entities which currently operate under different radio systems/frequencies. The vehicle contains radios with varying frequencies including 800 megahertz, very high frequency (VHF), ultrahigh frequency (UHF), low band, and short-wave radio systems. The vehicle has internet capability and computer resources along with access to television channels allowing access to real time news/information. The vehicle is also equipped with a video downlink system allowing command staff to view live feeds from fire/law enforcement aircraft and UAS devices.
Purpose	To be used based on the specific circumstances of a given critical incident, large event, natural disaster or community event that is taking place.
Authorized Usage	Situations which the MCCU is authorized for use would include but not be limited to critical incidents, emergencies, and natural disasters.
Costs	\$750,000 approx. \$4,000 anticipated yearly maintenance cost
Required Training	The MCCU operators will receive training in the overall operation of the vehicle to include set up and break down procedures, and skills training in the computer, dispatch, and radio systems. The drivers will receive training in the safe handling of the vehicle with the assistance of an experienced driver. Drivers will undergo California Department of Motor Vehicles commercial vehicle testing. This training will occur on a bi-monthly basis
Authority for Authorized Use	It is the policy of the Department to use the MCCU for official fire and law enforcement purposes, and in accordance with California State law regarding operation of motor vehicles



<b>Colt M4 Carbine (11.5")</b>	
Description	Enhanced Patrol Rifle
Quantity	14
Capability	These rifles fire an intermediate-power cartridge (.223) which is more powerful than a standard pistol but less powerful than a standard rifle. It's a short barreled rifle which allows SWAT Officers better control while inside of structures while still providing great accuracy.
Life Span	10-15 years
Manufacturer's Description	Built for the demanding use of those who protect our communities every day, the Colt Enhanced Patrol Rifle (EPR) is the next evolution in the world's most dependable, thoroughly field-tested patrol rifle. Featuring an extended handguard that accepts modular rail segments for mounting a wide variety of pro-grade optics, lighting, and ergonomics-enhancing accessories, as well as the highly durable Magpul® MBUS® Pro Series front and rear back up sights and B5 Bravo buttstock. The Colt EPR reestablishes the Colt AR-15® as the finest tool for local, regional, and national law enforcement agencies.
Purpose	The AR-15 can stop threats of great bodily injury or death at close and intermediate ranges. The AR-15 platform is capable of firing more accurately and quicker than a pistol while holding more rounds in the magazine and having better ballistic qualities.
Authorized Usage	To defend against an imminent threat of serious bodily injury or death. Used by SWAT
Costs	\$1,100 anticipated yearly maintenance cost
Required Training	Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification once a year.
Authority for Authorized Use	Use is established under FPD Policy 300 and Policy 311. It is the policy of the FPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

<b>Accuracy International AT-.308</b>	
Description	Sniper Rifle
Quantity	4
Capability	This weapon shoots a heavier round. It is utilized when there is a potential need to engage a target further away than the capabilities of our issued rifles or to engage a target behind an intermediate barrier such as glass or metal. The weapon is often deployed in an overwatch capacity to protect the public during events such as the International Marathon.
Life Span	10-15 years
Manufacturer's Description	The AT (Accuracy Tactical) continues the legacy of the combat proven AW308 and takes the AW to new levels. The AIAT has a 20-inch quick change barrel and a folding stock. The AT is ideal for Law Enforcement and civilian users.
Purpose	The AIAT is an accurate rifle for precision shooting. These rifles are equipped with magnified optics and can be utilized to take precision shots at intermediate to long ranges. The .308 caliber bullet it shoots is also bigger and heavier than a typical .223 caliber bullet from an AR-15 which means it will penetrate barriers like glass with much less deflection.



Authorized Usage	To defend against an imminent threat of serious bodily injury or death. Used by SWAT
Costs	\$5,000 anticipated yearly maintenance cost \$0
Required Training	Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification once a year.
Authority for Authorized Use	Use is established under FPD Policy 300 and Policy 311. It is the policy of the FPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

<b>Benelli M3 Tactical Shotgun</b>	
Description	SWAT Shotgun
Quantity	3
Capability	This is a 12-gauge semi-automatic pump shotgun used by SWAT officers. The semi-automatic capability reduces time between rounds versus a standard pump action shotgun. Not having to manipulate a fore-end gives SWAT officer the ability to get back on target faster increasing officer safety. The round is good for defeating barriers.
Life Span	10-15 years
Manufacturer's Description	Benelli's M3 Tactical Shotgun delivers fast cycling semi-auto fire with conventional loads or pump action for low energy loads. It is available in a 12 gauge, pistol grip model that satisfies a shooters need for both a semi-automatic and a pump action shotgun in one convertible weapon.
Purpose	SWAT
Authorized Usage	To defend against an imminent threat of serious bodily injury or death. Used by SWAT
Costs	\$800 anticipated yearly maintenance cost \$0
Required Training	Prior to using a shotgun, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any shotgun are required to pass a range qualification once a year.
Authority for Authorized Use	Use is established under FPD Policy 300 and Policy 311. It is the policy of the FPD to utilize shotguns only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

<b>Colt (11.5-inch barrel) M4 Carbine – Enhanced Patrol Rifle</b>	
Description	Enhanced Patrol Rifle
Quantity	24
Capability	Equipped with optical sight systems and mounted flashlights, the short-barreled rifle (SBR) fires an intermediate-power cartridge (.223/5.56) which is more powerful than a standard pistol but less powerful than a standard rifle. The SBR gives police officers better maneuverability in and out of patrol vehicles and motorcycles. The SBR is ideal for close quarter deployments inside of structures and provides improved accuracy for long distance engagements.
Life Span	10-15 years



Manufacturer's Description	Built for the demanding use of those who protect our communities every day, the Colt Enhanced Patrol Rifle (EPR) is the next evolution in the world's most dependable, thoroughly field-tested patrol rifle. Featuring an extended handguard that accepts modular rail segments for mounting a wide variety of pro-grade optics, lighting, and ergonomics-enhancing accessories, as well as the highly durable Magpul® MBUS® Pro Series front and rear back up sights and B5 Bravo buttstock. The Colt EPR reestablishes the Colt AR-15® as the finest tool for local, regional, and national law enforcement agencies
Purpose	The AR-15 can stop threats of great bodily injury or death at close and intermediate ranges. The AR-15 platform is capable of firing more accurately and quicker than a pistol while holding more rounds in the magazine and having better ballistic qualities.
Authorized Usage	To defend against an imminent threat of serious bodily injury or death. Used by the Officers
Costs	\$1,190 \$50 anticipated yearly maintenance cost
Required Training	Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification once a year.
Authority for Authorized Use	Use is established under FPD Policy 300 and Policy 311. It is the policy of the FPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

<b>Colt (16-inch barrel) M4 Carbine AR-15</b>	
Description	Patrol Rifle
Quantity	22
Capability	Equipped with optical sight systems and mounted flashlights, these rifles fire an intermediate-power cartridge (.223/5.56) cartridge which is more powerful than a standard pistol but less powerful than a standard rifle. Provides improved accuracy for long distance engagements.
Life Span	10-15 years
Manufacturer's Description	The civilian model 6920 is the civilian version of the current Colt M4 Carbine used by our modern military war fighters. Throughout the world today Colt's reliability, performance and accuracy provide our armed Forces with the confidence required to accomplish any mission, and this rifle can do the same for you. Colt's 6920 series shares many of the same features as it's combat-proven brother the Colt M4. From the forged aluminum upper and lower receivers, to the chrome lined barrel, even through the gas operated semi automatic firing system. Don't settle for imitations, buy the real thing, buy a Colt
Purpose	The AR-15 can stop threats of great bodily injury or death at close and intermediate ranges. The AR-15 platform is capable of firing more accurately and quicker than a pistol while holding more rounds in the magazine and having better ballistic qualities.
Authorized Usage	To defend against an imminent threat of serious bodily injury or death. Used by the Officers
Costs	\$940 \$50 anticipated yearly maintenance cost



Required Training	Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification once a year.
Authority for Authorized Use	Use is established under FPD Policy 300 and Policy 311. It is the policy of the FPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

<b>Black Hills Gold .308 Winchester 180 Nosler AccuBond</b>	
Description	Specialized ammunition
Quantity	520 Rounds
Capability	Penetrate Intermediate Barriers, Residential windows/Automotive Glass
Life Span	Indefinite
Manufacturer's Description	This round is loaded with a high quality Nosler AccuBond bullet for excellent down range performance. Through a proprietary bonding process that eliminates voids in the bullet core, AccuBond marries Nosler's traditional copper-alloy jacket with its special lead-alloy core. The result is a bullet that flies true, penetrates deep, won't cause extensive barrel fouling, and will retain 60-70% of its weight. The white polymer tip helps protect against deformation while initiating expansion upon impact. This round is used to penetrate intermediate barriers, residential windows, and automotive glass at 2,500 feet per second.
Purpose	To defend against an imminent threat of serious bodily injury or death. Used by SWAT
Authorized Usage	To defend against an imminent threat of serious bodily injury or death. Used by SWAT
Costs	\$45 per box approx. \$0 anticipated yearly maintenance cost
Required Training	Sworn members utilizing specialized ammunitions are trained by POST certified firearms instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, and Policy 311. It is the policy of the FPD to utilize specialized ammunition only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

<b>Hornaday .308 Winchester Tap 168 grain ELD Match Tap Precision</b>	
Description	Specialized ammunition
Quantity	7800 Rounds
Capability	Precision Round, Limited Penetration
Life Span	Indefinite
Manufacturer's Description	Hornady .308 Winchester Tap 168 grain ELD Match Tap Precision bullet with Heat Shield tip delivers the excellent terminal performance TAP Precision is known for, but features a resilient, heat resistant polymer tip that improves the ballistic coefficient, resulting in higher impact velocities, less drop, less wind drift, and more energy on target. The round has a muzzle velocity of 2,672 feet per second.
Purpose	Precision round with limited Penetration
Authorized Usage	To defend against an imminent threat of serious bodily injury or death. Used by SWAT



Costs	\$25 per box approx. \$0 anticipated yearly maintenance cost
Required Training	Sworn members utilizing specialized ammunitions are trained by POST certified firearms instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, and Policy 311. It is the policy of the FPD to utilize specialized ammunition only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.



<b>Defense Technology Ferret 37mm CS 1192</b>	
Description	Tear Gas
Quantity	5
Capability	Can be launched via the 37mm single launcher
Life Span	5 years
Manufacturer's Description	The Ferret® 37 mm CS Round is a frangible projectile filled with chemical agent. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers the .16 oz. agent payload inside a structure. The munitions is 4.8 in. by 1.5 in. and travels at 650fps within an effective range of 50 yards.
Purpose	To safely resolve critical situations such as violent civil unrest and highrisk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$40 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

<b>Defense Technology Ferret 37mm OC 1160</b>	
Description	Tear Gas
Quantity	9
Capability	Can be launched via the 37mm single launcher
Life Span	5 years
Manufacturer's Description	The Ferret® 37 mm OC Round is a frangible projectile filled with chemical agent. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers the .16 oz. agent payload inside a structure. These munitions are 4.8 in. by 1.5 in. and travels at 650fps within an effective range of 50 yards.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$40 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

<b>Combined Tactical Systems 37mm Riot CS Powder Muzzle Blast</b>	
Description	Tear Gas
Quantity	1
Capability	Can be launched via the 37mm single launcher
Life Span	5 years



Manufacturer's Description	A cartridge designed to blast irritant powder directly from the muzzle toward a hostile crowd or individual. These muzzle munitions are designed with a "dual-rim" enabling the operator to chamber the round in both 37MM and 40MM Launchers. However, only 37MM will deliver optimum performance as stated in this specification sheet.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$40 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Combined Tactical Systems 2430 CS/ 12-gauge barricade	
Description	Tear Gas
Quantity	19
Capability	Can be launched via a 12 gauge shotgun
Life Span	5 years
Manufacturer's Description	Liquid filled, non-burning, fin-stabilized rounds designed to penetrate light to intermediate barriers such as windows and hollow core doors. The projectiles break upon impact and deliver agent payloads of powder or liquid throughout the adjacent target area.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$8 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Combined Tactical Systems 2440- 12-gauge OC powder	
Description	Tear Gas
Quantity	10
Capability	Can be launched via a 12 gauge shotgun
Life Span	5 years
Manufacturer's Description	OC Liquid filled, non-burning, fin-stabilized rounds designed to penetrate light to intermediate barriers such as windows and hollow core doors. The projectiles break upon impact and deliver agent payloads of OC powder throughout the adjacent target area.



Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$8 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

<b>Defense Technology Ferret 40mm liquid barricade penetrator round, OC 2260</b>	
Description	Tear Gas
Quantity	0
Capability	Can be launched via a 40mm launcher.
Life Span	5 years
Manufacturer's Description	The Ferret® 40mm Round is non-burning and suitable for indoor use. Used primarily by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle. In a tactical deployment situation, the 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$10 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

<b>Defense Technology Ferret 40 mm powder barricade round, CS 2292</b>	
Description	Tear Gas
Quantity	10
Capability	Can be launched via a 40mm launcher.
Life Span	5 years



Manufacturer's Description	The Ferret® 40 mm Barricade Penetrating Round is filled with a CS powder chemical agent. It is a frangible projectile that is spin stabilized utilizing barrel rifling. It is non-burning and designed to penetrate barriers. Primarily used to dislodge barricaded subjects, it can also be used for area denial. Primarily used by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impact the nose ruptures and instantaneously delivers the agent payload inside a structure or vehicle.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$10 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Ferret 40 mm liquid barricade penetrator round, CS 2262	
Description	Tear Gas
Quantity	5
Capability	Can be launched via a 40mm launcher.
Life Span	5 years
Manufacturer's Description	The Ferret® 40mm Round is non-burning and suitable for indoor use. Used primarily by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle. In a tactical deployment situation, the 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$10 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Ferret 40 mm powder barricade round, OC 2290	
Description	Tear Gas
Quantity	16



Capability	Can be launched via a 40mm launcher.
Life Span	5 years
Manufacturer's Description	The Ferret® 40 mm Barricade Penetrating Round is filled with an OC powder chemical agent. It is a frangible projectile that is spin stabilized utilizing barrel rifling. It is non-burning and designed to penetrate barriers. Primarily used to dislodge barricaded subjects, it can also be used for area denial. Primarily used by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impact the nose ruptures and instantaneously delivers the agent payload inside a structure or vehicle.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$10 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Triple-chaser separating canister, CS 1026	
Description	Tear Gas
Quantity	10
Capability	Can be hand thrown, launched, or placed into a munitions Pole
Life Span	5 years
Manufacturer's Description	The Triple-Chaser® CS consists of three separate canisters pressed together with separating charges between each. When deployed, the canisters separate and land approximately 20 feet apart allowing increased area coverage in a short period of time. This grenade can be hand thrown or launched from a fired delivery system. The grenade is 6.5 in. by 2.7 in. and holds an approximately 3.2 oz. of active agent payload. It has an approximate burn time of 20-30 seconds.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$32 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Ferret 12-gauge liquid barricade round, CS 3012	
Description	Tear Gas
Quantity	10
Capability	Can be launched via a 12 gauge shotgun



Life Span	5 years
Manufacturer's Description	The Ferret® 12-Gauge Liquid CS non pyrotechnical properties also eliminate the fire hazard common with other products. The Ferret round is available with either liquid or powder carriers for the agent. These munitions are a 2.5 in. 12-Gauge round deploying .025 oz. of active agent.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$10 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Ferret 12-gauge powder barricade round, CS 3092	
Description	Tear Gas
Quantity	10
Capability	Can be launched via a 12 gauge shotgun
Life Span	5 years
Manufacturer's Description	The Ferret® 12-Gauge Powder CS non pyrotechnic properties also eliminate the fire hazard common with other products. The Ferret round is available with either liquid or powder carriers for the agent. The powder carrier improves barricade penetration potential.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$10 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Ferret 12-gauge powder barricade round, OC 3090	
Description	Tear Gas
Quantity	10
Capability	Can be launched via a 12 gauge shotgun
Life Span	5 years
Manufacturer's Description	The Ferret® 12-Gauge Powder OC non pyrotechnical properties also eliminate the fire hazard common with other products. The Ferret® round is available with either liquid or powder carriers for the agent. These munitions are a 2.5 in. 12-Gauge round deploying .002 oz. of active agent.



Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$8 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Ferret 12-gauge liquid barricade round, OC 3010	
Description	Tear Gas
Quantity	10
Capability	Can be launched via a 12 gauge shotgun
Life Span	5 years
Manufacturer's Description	The Ferret® 12-Gauge Liquid OC non pyrotechnical properties also eliminate the fire hazard common with other products. The Ferret round is available with either liquid or powder carriers for the agent. These munitions are a 2.5 in. 12-Gauge round deploying .015 oz. of active agent.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$10 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology 12-gauge barricade projectile, CS 23	
Description	Tear Gas
Quantity	10
Capability	Can be launched via a 12 gauge shotgun
Life Span	5 years
Manufacturer's Description	
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$10 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.



Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
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Smith & Wesson 12-gauge barricade projectile, CS		
Description	Tear Gas	
Quantity	19	
Capability	Can be launched via a 12 gauge shotgun	
Life Span	5 years	
Manufacturer's Description	Non-pyrotechnical 12-Gauge barricade round with a small CS charge.	
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$10 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

Defense Technology Aerosol OC/CS grenade 1050		
Description	Tear Gas	
Quantity	7	
Capability	Can be hand thrown, launched, or placed into a munitions Pole	
Life Span	5 years	
Manufacturer's Description	Designed for indoor use, this grenade contains no CFCs, is not a fire hazard and requires minimal decontamination by comparison to smoke, powders, or liquids. The Aerosol Grenade is most commonly used in tactical situations by Law Enforcement and Corrections and was designed with indoor operations in mind when a non fire-producing delivery system is desired. It is most effective when used in confined areas and close to the target area. Used to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects. The Aerosol Grenade is ideal for cell extractions or barricade situations where the use of pyrotechnic, powder, or liquid devices is not practical or desired. The OC and CS combination provide sufficient effects in confined areas of up to 1,500 square feet. The Aerosol Grenade is not recommended for outdoor use.	
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$35 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	



Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
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Defense Technology Spede-Heat continuous discharge chemical grenade, OC 1070	
Description	Tear Gas
Quantity	3
Capability	Can be hand thrown, launched, or placed into a munitions Pole
Life Span	5 years
Manufacturer's Description	The Spede-Heat™ OC Grenade is a high volume, continuous burn it expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side and one on the bottom. This launchable grenade is 6.12 in. by 2.62 in. and holds approximately 1.09 oz. of active agent.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$ <span style="float: right;">\$0</span> anticipated yearly maintenance cost
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Riot control continuous discharge grenade, OC 1080	
Description	Tear Gas
Quantity	3
Capability	Can be hand thrown, launched, or placed into a munitions Pole
Life Span	5 years
Manufacturer's Description	The Riot Control OC Grenade is designed specifically for outdoor use in crowd control situations with a high volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to route a crowd. The volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in. by 2.35 in. and holds approximately 0.88 oz. of active agent.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$35 <span style="float: right;">\$0</span> anticipated yearly maintenance cost
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.



<b>Defense Technology Instantaneous blast CS grenade 1042</b>	
Description	Tear Gas
Quantity	3
Capability	Can be hand thrown, launched, or placed into a munitions Pole
Life Span	5 years
Manufacturer's Description	The Instantaneous Blast CS Grenade is designed for indoor or outdoor use; this grenade's powder is expelled upon initiation of a small internal detonator that has sufficient force to split the canister at six machined grooves on the outside surface. this device is well suited for affecting numerous subjects grouped within a contained portion of a prison yard or area, using wind to the advantage. This 6.12 in. by 2.62 in. grenade will deliver approximately 1.5 oz. of active agent.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$35 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

<b>Defense Technology Spede-Heat continuous discharge chemical grenade, CS 1072</b>	
Description	Tear Gas
Quantity	10
Capability	Can be hand thrown, launched, or placed into a munitions Pole
Life Span	5 years
Manufacturer's Description	The Spede-Heat™ CS Grenade is a high volume, continuous burn it expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side and one on the bottom. This launchable grenade is 6.12 in. by 2.62 in. and holds approximately 2.9 oz. of active agent.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$35 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

<b>Defense Technology Flameless tri-chamber CS grenade 1032</b>
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Description	Tear Gas
Quantity	6
Capability	Can be hand thrown, launched, or placed into a munitions Pole
Life Span	5 years
Manufacturer's Description	The design of the Tri-Chamber Flameless CS Grenade allows the contents to burn within an internal can and disperse the agent safely with reduced risk of fire. The grenade is designed primarily for indoor tactical situations to detect and/or dislodge a barricaded subject. This grenade will deliver approximately .70 oz. of agent during its 20-25 seconds burn time. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections, but was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$35 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Flameless tri-chamber OC grenade 1030	
Description	Tear Gas
Quantity	4
Capability	Can be hand thrown, launched, or placed into a munitions Pole
Life Span	5 years



Manufacturer's Description	Designed for law enforcement and corrections, the OC Flameless Tri-Chamber Pyrotechnic Grenade combines the effectiveness of Oleoresin Capsicum (OC) as an incapacitating agent with the flexible delivery methods, range and area coverage of pyrotechnic munitions. The OC Flameless Tri-Chamber Grenade can be used in crowd control, or barricade situations, as a less lethal solution to incapacitate subjects through temporary respiratory discomfort, while reducing or negating the chance of fire to structures. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections, but was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$35 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Riot control continuous discharge grenade, CS 1082	
Description	Tear Gas
Quantity	8
Capability	Can be hand thrown, launched, or placed into a munitions Pole
Life Span	5 years
Manufacturer's Description	The Riot Control CS Grenade is designed specifically for outdoor use in crowd control situations with a high volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to route a crowd. The volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in. by 2.35 in. and holds approximately 2.7 oz. of active agent.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$35 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.



Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
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Defense Technology Pocket tactical grenade, CS 1016	
Description	Tear Gas
Quantity	8
Capability	Can be hand thrown, launched, or placed into a munitions Pole
Life Span	5 years
Manufacturer's Description	The Pocket Tactical CS Grenade is small, and lightweight. The 0.9 oz. of active agent will burn approximately 20-40 seconds. At 4.75 in. by 1.4 inches in size, it easily fits in most tactical pouches. This is a launchable grenade; however it is normally used as a signaling or covering device. Though this device is slightly over four inches in length, it produces a smoke cloud so fast it appears to be an enveloping screen produced by a full size tactical grenade.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$35 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Pocket tactical grenade, OC 1019	
Description	Tear Gas
Quantity	15
Capability	Can be hand thrown, launched, or placed into a munitions Pole
Life Span	5 years
Manufacturer's Description	The Pocket Tactical OC Grenade is a quick burning, reduced volume, continuous discharge grenade. Pelletized chemical agent is discharged through one (1) gas port located on the bottom of the canister. The Pocket Tactical Grenade is a small, lightweight, easily carried device that provides a medium volume of chemical agent or smoke for certain situations. It was designed with the tactical team in mind for distraction, concealment, rescue, or signaling. The pocket grenade is not specifically intended as a crowd management device; however, it can be used in chemical configurations in conjunction with larger smoke canisters to "piggy back" chemical agent into a predominately smoke environment. This device should be deployed utilizing wind advantage.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$35 anticipated yearly maintenance cost \$0



Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Muzzle blast 40 mm round, OC 6040	
Description	Tear Gas
Quantity	10
Capability	Can be launched via a 40mm launcher
Life Span	5 years
Manufacturer's Description	The 40 mm Muzzle Blast OC Round is widely used as a crowd management tool for the immediate and close deployment of chemical agent. It can also be employed in tactical operations such as barricaded subjects for area denial, area contamination, and a means of contaminating crawl spaces and attics. As a pain compliance round it is an excellent device for deploying chemical-laden OC powder at close ranges for indoor or outdoor operations. It has a maximum effective range of 30 feet /9.1 meters.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$35 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Muzzle blast 40 mm round, CS 6042	
Description	Tear Gas
Quantity	10
Capability	Can be launched via a 40mm launcher
Life Span	5 years
Manufacturer's Description	The 40 mm Muzzle Blast CS Round is widely used as a crowd management tool for the immediate and close deployment. It can also be employed in tactical operations such as barricaded subjects, room clearing, area denial, and for small space contamination, and a means of contaminating crawl spaces and attics. As a pain compliance round it is an excellent device for deploying chemical-laden CS powder at close ranges for indoor or outdoor operations. The cloud of agent is very effective in filling holes in dispersals lines or engaging crowds at close distances.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT



Costs	\$35 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

Defense Technology Smoke Maximum HC Smoke 1083		
Description	Smoke	
Quantity	6	
Capability	Can be hand thrown, launched, or placed into a munitions Pole	
Life Span	5 years	
Manufacturer's Description	The Military-Style Maximum Smoke Grenade comes from the Defense Technology® #3 smoke grenade. It is a slow burning, high volume, continuous discharge grenade designed for outdoor use in crowd management situations. Emits grey-white smoke only for approximately 1.5 to 2 minutes.	
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations	
Authorized Usage		
Costs	\$38 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

Defense Technology Triple-Chaser separating canister, SAF-Smoke 1027		
Description	Smoke	
Quantity	9	
Capability	Can be hand thrown, launched, or placed into a munitions Pole	
Life Span	5 years	
Manufacturer's Description	The Triple-Chaser® Saf-Smoke™ consists three separate canisters pressed together with separating charges between each. When deployed, the canisters separate and land approximately 20 feet apart allowing increased area coverage in a short period of time. This grenade can be hand thrown or launched from a fired delivery system and is an effective way to quickly deploy a wide blanket of agent. The grenade is 6.5 in. by 2.7 in. and delivers Saf-Smoke™. It has an approximate burn time of 20 seconds.	
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$38 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	



Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
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<b>Defense Technology 8933 Low Roll Distraction Device</b>	
Description	Diversionary Device (Flash Bang)
Quantity	
Capability	This intermediate less lethal specialty munition allows for light sound diversion during tactical operations which allows for tactical advantage during high-risk situations.
Life Span	Reusable 25 times
Manufacturer's Description	The Non-Reloadable Distraction Device® unit incorporates an M201A1 type fuze with hex design gun steel body. This is compact version of the 8933 Low Roll® body Distraction Device is the newest version of the first reusable non-bursting canister that limits movement and rolling once deployed. The compact Distraction Device fits safely in your hand and packs all the power of the full-size Distraction Device. This is a smaller, lighter device with the same output.
Purpose	To safely resolve critical situations during high-risk tactical operations.
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$30 anticipated yearly maintenance cost \$0
Required Training	Prior to use, officers must attend inhouse training conducted by POST certified instructors or attend POST certified training.
Authority for Authorized Use	Use is established under FPD Policy 300. It is the policy of the FPD to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

<b>Defense Technology 8908CI Command Initiated Distraction Device</b>	
Description	Diversionary Device (Flash Bang)
Quantity	8
Capability	This intermediate less lethal specialty munition allows for light sound diversion during tactical operations which allows for tactical advantage during high-risk situations.
Life Span	One time use
Manufacturer's Description	The Command Initiated Reload can be initiated on command from a remote point alleviating initiation delay when instantaneous results are desired. It is ideal for operations utilizing bang poles, deterring retreat and achieving space denial from predetermined areas. 12" of thermo tubing is included with the reload. Some assembly and accessories are required.
Purpose	To safely resolve critical situations during high-risk tactical operations.
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$35 anticipated yearly maintenance cost \$0
Required Training	Prior to use, officers must attend inhouse training conducted by POST certified instructors or attend POST certified training.



Authority for Authorized Use	Use is established under FPD Policy 300. It is the policy of the FPD to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
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Remington 870 Pump Action Shotgun – Less Lethal		
Description	Less Lethal Shotgun	
Quantity	10	
Capability	Deploying 12 gauge less lethal flexible baton munitions (Super sock)	
Life Span	15-20 years	
Manufacturer's Description	The Remington 870 barrel has a fixed cylinder choke for optimum performance with buckshot and slugs at close range. A myriad of aftermarket Remington 870 accessories enables owners to customize the 870 Express for specific purposes. 870 Remington is a receiver milled from a solid billet of steel for maximum strength, and twin action bars that prevent binding and twisting while cycling the action.	
Purpose	Deploys 12 gauge less lethal flexible baton (Super sock) as impact munitions.	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT and Patrol.	
Costs	\$500 anticipated yearly maintenance cost	\$50
Required Training	Sworn members utilizing less lethal shotguns are trained by POST certified instructors for 2 hours.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize impact munitions only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

Defense Technology 37MM Tactical Single Launcher		
Description	37 MM Projectile Launcher	
Quantity	2	
Capability	Deploying 40mm less lethal impact projectiles and 40mm chemical agent rounds	
Life Span	25 years	
Manufacturer's Description	The 37LMTS is a tactical 37mm single shot launcher. The Ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two point sling attachment. The 37LMTS will fire standard 37/38mm Less Lethal ammunition, up to 8 inches in cartridge length. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems.	
Purpose	Deploying 40mm less lethal impact projectiles and 40mm chemical agent rounds	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$300 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing munitions launchers are trained by POST certified chemical agent instructors and POST certified less lethal instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4, and Policy 311. It is the policy of the FPD to utilize projectile launchers only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

<b>Defense Technology 1440 40MM Tactical 4-Shot Launcher</b>	
Description	40 MM Projectile Launcher
Quantity	2



Capability	Deploying 40mm less lethal impact projectiles and 40mm chemical agent rounds
Life Span	15 years
Manufacturer's Description	Designed for riot and tactical situations, the Defense Technology® 1440 40mm Tactical 4-Shot Launcher is low-profile and lightweight, providing multi-shot capability in an easy to carry launcher. It features the Rogers Super Stoc™ expandable gun stock, an adjustable Picatinny mounted front grip, and a unique direct-drive system to advance the magazine cylinder.
Purpose	Deploying 40mm less lethal impact projectiles and 40mm chemical agent rounds
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$300 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing munitions launchers are trained by POST certified chemical agents instructors and POST certified less lethal instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4, and Policy 311. It is the policy of the FPD to utilize projectile launchers only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

<b>Penn Arms L637-1 37MM Projectile Launcher</b>	
Description	37 MM Projectile Launcher
Quantity	1
Capability	Deploying 37mm less lethal impact projectiles
Life Span	25 years
Manufacturer's Description	A spring-advance magazine drum launcher with a six-shot capacity and a smooth barrel.
Purpose	Deploying 37mm less lethal impact projectiles
Authorized Usage	De-escalation tool not likely to inflict serious injury. Used by SWAT and patrol
Costs	\$300 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing munitions launchers are trained by POST certified chemical agents instructors and POST certified less lethal instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4, and Policy 311. It is the policy of the FPD to utilize projectile launchers only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

<b>Sage KO1/S Impact Baton 37MM Projectile</b>	
Description	37 MM Projectile
Quantity	17
Capability	37mm launcher
Life Span	25 years
Manufacturer's Description	The KO1 is a direct fire modular impact baton round that is designed to be used in situations where kinetic energy is preferred for the incapacitation of hostile and/or non-compliant individuals.



Purpose	To safely resolve critical situations such as high-risk tactical operations. These are necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety/will safeguard the public's welfare, safety, civil rights, and civil liberties.
Authorized Usage	De-escalation tool not likely to inflict serious injury. Used by SWAT and patrol.
Costs	\$30 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing munitions launchers are trained by POST certified chemical agents instructors and POST certified less lethal instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize impact munitions only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

<b>Sage K03OC/S OC Impact Baton 37MM Projectile</b>	
Description	37 MM Projectile
Quantity	6
Capability	37mm launcher
Life Span	25 years
Manufacturer's Description	The KO3 is a direct fire crush nose chemical impact baton round that is designed to be used in situations where a combination of kinetic energy and chemical agents is preferred for the incapacitation of hostile and/or non-compliant individuals.
Purpose	To safely resolve critical situations such as high-risk tactical operations. These are necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety/will safeguard the public's welfare, safety, civil rights, and civil liberties.
Authorized Usage	De-escalation tool not likely to inflict serious injury. Used by SWAT and patrol.
Costs	\$30 anticipated yearly maintenance cost \$0
Required Training	Sworn members utilizing munitions launchers are trained by POST certified chemical agents instructors and POST certified less lethal instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize impact munitions only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

<b>Winchester Lake Erie Chemical Launcher Attachment</b>	
Description	12 Gauge Projectile Launcher
Quantity	1
Capability	These launching cups attach to 12 gauge less lethal shotguns and allow us to launch canisters of chemical agents or smoke.
Life Span	25 years
Manufacturer's Description	
Purpose	These launching cups attach to 12 gauge less lethal shotguns and allow us to launch canisters of chemical agents or smoke.
Authorized Usage	De-escalation tool not likely to inflict serious injury. Used by SWAT.



Costs	\$500 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing munitions launchers are trained by POST certified chemical agents instructors and POST certified less lethal instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize impact munitions only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

<b>Defense Technology 1370 12-Gauge TkO/ Launching Cup</b>		
Description	12 Gauge Projectile Launcher	
Quantity	1	
Capability	These launching cups attach to 12 gauge less lethal shotguns and allow us to launch canisters of chemical agents or smoke.	
Life Span	25 years	
Manufacturer's Description	The launching cup will project the Pocket Tactical Grenade beyond the normal throwing distance. This will extended the ability and safety of the officers involved. Removable shotgun forend to ensure proper stand-off when using breaching rounds.	
Purpose	To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.	
Authorized Usage	De-escalation tool not likely to inflict serious injury. Used by SWAT.	
Costs	\$40 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing munitions launchers are trained by POST certified chemical agents instructors and POST certified less lethal instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize impact munitions only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

<b>Combined Tactical Systems Super Sock Bean Bag</b>		
Description	Less lethal munitions	
Quantity	225	
Capability	This intermediate less lethal specialty munition allows for direct impact from a minimum range and a maximum effective range of 75ft	
Life Span	5 years	
Manufacturer's Description	This 12-Gauge Round is a translucent 12-Gauge shell loaded with a 51-Gram tear shaped bag made from a cotton and ballistic material blend. . The 12-Gauge Drag Stabilized projectile does not require a minimum range to unfold or stabilize. This round has a velocity of 280 fps with a maximum effective range of 75 feet.	
Purpose	To safely resolve critical situations such as crowd control during riotous situations and high-risk tactical operations. These are necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety/will safeguard the public's welfare, safety, civil rights, and civil liberties.	
Authorized Usage	De-escalation tool not likely to inflict serious injury. Used by SWAT and patrol.	



Costs	\$6.75 per round approx. \$0 anticipated yearly maintenance cost
Required Training	Sworn members utilizing munitions launchers are trained by POST certified less lethal instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.7, and Policy 311. It is the policy of the FPD to utilize less lethal munition only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.



<b>Long Range Acoustic Device (LRAD)</b>	
Description	American Tech Cord 500
Quantity	1
Capability	Used to send messages over long range
Life Span	25 years
Manufacturer's Description	LRAD systems deliver live or recorded voice messages with exceptional clarity for any operational scenario. Optimized to the primary range of hearing, LRAD's Advanced Driver and Waveguide Technology ensure every broadcast is clearly heard and understood, even above crowd, engine, and background noise.
Purpose	Device used for public announcements.
Authorized Usage	Any critical situation to make public announcements: Critical incidents, civil unrest, search and rescue, public safety.
Costs	\$1,000 anticipated yearly maintenance cost \$0
Required Training	All operators receive training prior to operating the LRAD in the field.
Authority for Authorized Use	Use is established under FPD Policy 312. It is the policy of the FPD to utilize the LRAD only for official law enforcement purposes, and pursuant to State and Federal law.



<b>Meridian Rapid Defense Group Archer 1200</b>	
Description	Anti-vehicle Barrier
Quantity	16 barriers, 1 trailer, 2 haulers
Capability	<p>The Archer 1200 Anti-Vehicle Barrier is a portable barrier which can protect closed areas from vehicle-ramming attacks. These barriers replace wooden, and water filled barricades during special events and are easily deployed when there is an increase in the level of threat to a specific location or crowded area. They allow for pedestrians to move between them but can stop vehicles from entering closed areas. These barriers will be used during special events and critical incidents where pedestrian safety is a concern.</p> <p>The Folsom Police Department has applied for a grant to obtain 16 barriers but have not taken possession yet.</p>
Life Span	10 years
Manufacturer's Description	An unanchored, "drop-and-stop" barrier for a VSM (Vehicle Safety Mitigation) solution deployment on any surface. Archer 1200 barriers has the shortest stopping distance in its class, modular design, no heavy equipment required for deployment
Purpose	To be used based on the specific circumstances of a given critical incident, large event, natural disaster or community event that is taking place.
Authorized Usage	Authorized for use would include but not be limited to critical incidents, emergencies, and community events.
Costs	<p>\$150,000</p> <p>approx. \$0 anticipated yearly maintenance cost</p>
Required Training	All officers deploying the vehicle barriers will receive training on how to properly load, unload, move, and deploy the barriers in the field.
Authority for Authorized Use	It will be the policy of the Department to use the vehicle barriers for official law enforcement purposes including road closures, and special events



## **EXHIBIT 7**





# Folsom Police Department

Richard D. Hillman  
*CHIEF OF POLICE*

December 19, 2023

George Umberger II  
9268 Greenback Lane  
Orangevale, CA 95662

Re: *Service Complaint submitted December 16, 2023*

Dear George Umberger II,

You submitted a complaint dated 12/16/2023 relative to an incident that occurred on July 13, 2023. A thorough inquiry of your service complaint was conducted by our Investigation Division and our Professional Standards Unit. The entire report was then forwarded to Command Staff for a final determination. After an evaluation of your complaint, the allegations of officer misconduct were determined to be unfounded. Due to regulations provided in the California Government Code [Section 3300], this office is prohibited from disclosing any investigatory details.

Respectfully,

A handwritten signature in black ink, appearing to read "R. Kehm".

Sergeant R. Kehm





# Folsom Police Department

Richard D. Hillman

CHIEF OF POLICE

August 8, 2023

Lisabeth King  
1780 Creekside Drive #1125  
Folsom, CA 95630

Re: *Service Complaint submitted July 13, 2023*

Dear Ms. King,

You submitted a complaint dated July 13, 2023 relative to an incident that occurred in July 2023. A thorough inquiry into your service complaint was conducted by our Investigations Division. The entire report was then forwarded to Command Staff for a final determination. After an evaluation of your complaint, the allegations of Officer misconduct were determined to be unfounded. Due to regulations provided in the California Government Code [Section 3300], this office is prohibited from disclosing any investigatory details.

Respectfully,

*DM* #224

David Canepa  
Lieutenant  
Investigations Division





# Folsom Police Department

Richard D. Hillman

*CHIEF OF POLICE*

July 20, 2023

Lisabeth King  
1780 Creekside Drive #1125  
Folsom, CA 95630

Dear Ms. King,

On July 14, 2023, this office received a copy of your complaint alleging misconduct by members of this department.

This office takes allegations of officer misconduct seriously and appreciates the time you took to notify us. We make every effort to provide the best possible service and continually strive to ensure that all employees conduct themselves professionally. To maintain the trust and support of the public, it is our policy to investigate all complaints about the conduct of our employees. When an investigation establishes that an employee's conduct was improper, corrective action occurs.

The allegations of misconduct you reported will be investigated by this office. Because of regulations provided in the California Government Code [Section 3300], this office is prohibited from disclosing any disciplinary action taken against the accused employee.

I regret that you were dissatisfied with the circumstances of your contact with an employee of this department. It is my hope that any future contacts you have with members of the Folsom Police Department are pleasant and helpful.

Thank you for bringing your concerns to our attention.

Sincerely,

A handwritten signature in blue ink, appearing to read "DC", is written over the name of the sender.

Lieutenant David Canepa  
Criminal Investigation Division



## **EXHIBIT 8**



experienced investigators with whom I have spoken, as well as the facts and circumstances of this investigation, as described above, I formed the opinion that **George Umberger** was in violation of Penal Code Sections 632 (Eavesdropping) and that a search of the requested location(s), vehicle(s), and person(s) will reveal evidence of those offenses and/or **Umberger's** involvement in those offenses.

I request that the search warrant authorizes the seizure of any computers and computer systems as evidence for the purpose of later applying for search warrants for said devices. Any device containing electronically stored data seized pursuant to this warrant will not be searched until an additional search warrant can be obtained authorizing the search of the device in compliance with the California Electronic Communications Privacy Act (ECPA).

Based on my training and experience, as well as the training and experience of other experienced investigators with whom I have spoken, as well as my review of other crime reports, I know that, although it may be possible to search these digital storage devices where they are located, investigators with specialized skills, software and equipment are frequently needed to examine the device and extract and preserve the data and information found within. I know this is a process, which cannot usually be performed where the digital storage device is located, thus I request that this warrant authorize the seizure of digital storage devices, which will be searched only upon your affiant or another law enforcement officer obtaining a subsequent search warrant in compliance with the provisions of the California ECPA.

In the event that law enforcement officers encounter safes, locked cabinets, or other secured containers at the location or in the vehicle listed in this affidavit, it is requested that the Court direct the officers or their agents to access those items to search for evidence listed in this affidavit. I know that some safes or locked storage containers may require the assistance of a locksmith or other experts to open. I therefore request permission to employ such experts if needed and to remove the safe or storage container to a location where it can be opened.

#### **REQUEST TO USE LAW ENFORCEMENT RECONNAISSANCE TECHNOLOGY**

Based on my training and experience, as well as the training and experience of other experienced investigators with whom I have spoken, as well as my review of other crime reports, I am aware that there exists an increased threat of violence, often involving firearms and other deadly weapons whenever officers enter a structure for the purpose of executing a search warrant to search for firearms, controlled substances, weapons, the fruits and instrumentalities of a violent crime, and/or to execute an arrest warrant on an individual wanted for a violent crime. Based on my training and experience, I have formed the opinion that this heightened threat exists for two reasons. First, in executing warrants for these purposes, officers frequently discover firearms and other deadly weapons, and these weapons are often located in places and in a manner that enable the occupants to quickly use them against anyone who is perceived as a threat. Second, officers will give notice of their authority and purpose either before they enter the structure or, in the case of exigent circumstances, shortly thereafter. In any event, when the occupants become aware of the officers' authority and objective, it is not unusual for them to panic because of the possibility that they are about to be taken into custody and subsequently prosecuted and imprisoned. In this fight-or-flight